

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Monday, January 14, 2013

SUBJECT	DESCRIPTION	PRESENTER
	Organizational Meeting	Chairman Palmer

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Denney
Vice Chairman Shepherd	Rep Gestrin
Rep Wood(35)	Rep Gibbs
Rep Wills	Rep Hixon
Rep Bateman	Rep Kauffman
Rep Henderson	Rep Packer

Rep Patterson
Rep Youngblood
Rep Ringo
Rep King
Rep Gannon

COMMITTEE SECRETARY

Leah Kent
Room: EW60
Phone: 332-1146
email: htran@house.idaho.gov

MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Monday, January 14, 2013
TIME: 1:30 P.M.
PLACE: Room EW40
MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Wood(35), Wills, Bateman, Henderson, Denney, Gestrin, Gibbs, Hixon, Kauffman, Packer, Patterson, Youngblood, Ringo, King, Gannon
**ABSENT/
EXCUSED:** None
GUESTS: Rich Hahn, Idaho Power; Russell Westerberg, RMP; Brody Aston, Lobby Idaho; Mollie McCarty, ITD; Ken Burgess, Compas; Skip Smyser, ITA
Chairman Palmer called the meeting to order at 1:30 p.m.
Chairman Palmer welcomed committee members and welcomed the new secretary **Leah Kent**. Chairman Palmer encouraged all committee members to be respectful of each other and to all of those that come to testify.
The Rules Subcommittee is as follows: **Rep. Bateman** is the chair, with **Rep. Gestrin, Rep. Kauffman, Rep. Ringo, Rep. Youngblood, Rep. Wood** and **Rep. Hixon**.
Chairman Palmer assigned **Rep. Ringo** and **Rep. Hixon** as proofreaders.
ADJOURN: There being no further business to come before the committee, the meeting adjourned at 1:35 p.m.

Representative Palmer
Chair

Leah Kent
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Wednesday, January 16, 2013

SUBJECT	DESCRIPTION	PRESENTER
<u>RS21584</u>	Relating to airports	Bill Statham, Idaho Transportation Department
<u>RS21670</u>	Preapplication approval by the Idaho Transportation Department (ITD)	Bill Statham, Idaho Transportation Department
<u>RS21657</u>	Relating to the tax on motor fuels	Mike Chakarun, Tax Commission

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Denney	Rep Patterson
Vice Chairman Shepherd	Rep Gestrin	Rep Youngblood
Rep Wood(35)	Rep Gibbs	Rep Ringo
Rep Wills	Rep Hixon	Rep King
Rep Bateman	Rep Kauffman	Rep Gannon
Rep Henderson	Rep Packer	

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Wednesday, January 16, 2013

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Wood(35), Wills, Bateman, Henderson, Denney, Gestrin, Gibbs, Hixon, Kauffman, Packer, Patterson, Youngblood, Ringo, King, Gannon

**ABSENT/
EXCUSED:** Rep. Wills

GUESTS: Bill Statham, ITD; Regina Phipps, ITD; Barry Takeuchi, ITD; Mike Chakarun, Tax Commission; Trent Wright, IADA; Russ Hendricks, Idaho Farm Bureau; Amy Smith, ITD; Jim Eavenson, Idaho State Police; Ed Hawley, Administrative Rules; Christine Fisher, Administrative Rules; Linda Emry, ITD; John Eaton, Realtors; Fred, Citizen

Chairman Palmer called the meeting to order at 1:30 p.m.

MOTION: **Rep. Ringo** made a motion to approve the minutes of the January 14, 2013 meeting. **Motion carried by voice vote.**

RS 21584: **Bill Statham**, Idaho Aeronautics Division, said this RS will eliminate duplications of FAA procedures and administrative burden. He said the FAA updates their procedures every 56 days.

MOTION: **Rep. Shepherd** made a motion to introduce **RS 21584**. **Motion carried by voice vote.**

RS 21670: **Bill Statham**, Idaho Aeronautics Division, said this RS will take out language in the Code that is no longer being used.

MOTION: **Rep Gibbs** made a motion to introduce **RS 21670**. **Motion carried by voice vote.**

RS 21657: **Mike Chakarun**, Idaho State Tax Commission, said this RS will make technical corrections in Statute. It will change the term "special fuels" to "gaseous special fuels." In response to committee questions, Mr Chakarun, said natural gas is an example of special fuel.

MOTION: **Rep. Bateman** made a motion to introduce **RS 21657**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee the meeting was adjourned at 1:48 p.m.

Representative Palmer
Chair

Leah Kent
Secretary

AMENDED AGENDA #1
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
BATEMAN SUBCOMMITTEE

Rules
Upon Adjournment of the Full Committee
Room EW40
Wednesday, January 16, 2013

DOCKET NO.	DESCRIPTION	PRESENTER
11-1301-1201	Rules Governing Motor Carriers	Jim Eavenson, Idaho State Police
39-0212-1201	Rules Governing Issuing Certificates of Title and Bonded Certificates of Title	Barry Takeuchi, Depart. of Transportation
39-0260-1201	Rules Governing License Plate Provisions	Christine Fisher, Dept. of Transportation
39-0261-1201	Rules Governing License Plates for Governmental Agencies and Taxing Districts	Christine Fisher, Depart. of Transportation
39-0271-1201	Rules Governing Driver's License Violation Point System	Ed Pemble, Depart. of Transportation
39-0304-1201	Rules Governing Movement of Disabled Vehicles	Regina Phipps, Depart. of Transportation
39-0310-1201	Rules Governing when an Overlegal Permit is Required	Regina Phipps, Depart. of Transportation
39-0341-1201	Rules Governing Traffic Control Devices	Ethan Griffiths, Depart. of Transportation
39-0402-1201	Rules Governing Marking of Hazards to Air Flight	Bill Statham, Depart. of Transportation
39-0342-1201	Rules Governing Highway Right-Of-Way Encroachments on State Rights-Of-Way	Greg Laragan, Depart. of Transportation

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Bateman
Rep. Bateman
Rep. Gestrin
Rep. Hixon
Rep. Kauffman
Rep. Youngblood
Rep. Ringo
Rep. Wood (35)

COMMITTEE SECRETARY

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MINUTES
**HOUSE TRANSPORTATION & DEFENSE COMMITTEE
BATEMAN SUBCOMMITTEE**

DATE: Wednesday, January 16, 2013

TIME: Upon Adjournment of the Full Committee

PLACE: Room EW40

MEMBERS: **Chairman Bateman**, Representatives Wood (35), Gestrin, Hixon, Kauffman, Youngblood, Ringo

GUESTS: Barry Takeuchi, Division of Motor Vehicles; Christine Fisher, Division of Motor Vehicles; Edward Pemble, ITD; Regina Phipps Motor Carrier Services; Ethan Griffiths, ITD; Bill Statham, Airport Planning and Development; Greg Laragan, ITD

Chairman Bateman called the meeting to order at 1:52 p.m.

DOCKET NO. 11-1301-1201: **Jim Evanson**, Idaho State Police, said this rule has been updated to comply with current federal rules on texting, hours of service and hand held cell phones.

MOTION: **Rep. Ringo** made a motion to recommend approval of **Docket No. 11-1301-1201** to the full committee. **Motion carried by voice vote.** **Rep. Wood (35)** requested she be recorded as voting **NAY**.

DOCKET NO. 39-0212-1201: **Barry Takeuchi**, Division of Motor Vehicles, explained a bonded title is required when an owner acquires a vehicle less than ten years old and is not able to obtain the ownership documents necessary to be issued a regular title. This rule previously indicated that a bonded title brand was to expire three years from the date of issuance of the title.

MOTION: **Rep. Youngblood** made a motion to recommend approval of **Docket No. 39-0212-1201** to the full committee. **Motion carried by voice vote.**

DOCKET NO. 39-0260-1201: **Christine Fisher**, Division of Motor Vehicles, said this rule will implement **S1243**. She said the rule change will put parameters around the prequalification and application for Special License Plate Programs, and will rein in the proliferation of those programs. It is also meant to ensure greater accountability for the fund collected.

MOTION: **Rep. Wood (35)** made a motion to recommend approval of **Docket No. 39-0260-1201** to the full committee. **Motion carried by voice vote.** **Rep. Hixon** requested he be recorded as voting **NAY**.

DOCKET NO. 39-0261-1201: **Christine Fisher**, Division of Motor Vehicles, said this rule will create equity for those agencies eligible for exempt vehicle registration. It addresses license plates assigned for undercover work to exempt law enforcement agencies. This will ensure that the department is recovering the administrative costs for this program as well as implementing consistency for all exempt plate applications and processes.

MOTION: **Rep. Kauffman** made a motion to recommend approval of **Docket No. 39-0261-1201** to the full committee. **Motion carried by voice vote.**

DOCKET NO. 39-0271-1201: **Ed Pemble**, Driver Services, said this rule will update moving violations point count.

MOTION: **Rep. Hixon** made a motion to recommend approval of **Docket No. 39-0271-1201** to the full committee. **Motion carried by voice vote.**

**DOCKET NO. 39-0304-1201
39-0310-1201:** **Regina Phipps**, ITD, said these new Administrative Rules will clarify the proper safety and towing requirements by the proper class of tow vehicles during first and secondary movements and eliminate confusion for both industry and staff.

MOTION: **Rep. Kauffman** made a motion to recommend approval of **Docket No. 39-0304-1201 and 39-0310-1201** to the full committee. **Motion carried by voice vote.**

DOCKET NO. 39-0341-1201: **Ethan Griffiths**, ITD, said this rule will adopt, by reference, the 2009 Manual On Uniform Traffic Control Devices (MUTCD).

MOTION: **Rep. Ringo** made a motion to recommend approval of **Docket No. 39-0341-1201** to the full committee. **Motion carried by voice vote.**

DOCKET NO. 39-0402-1201: **Bill Statham**, Division of Aeronautics, said this rule has been updated to comply with **H 511aa** from the 2012 Legislative Session. It establishes standards for lighting and marking of guyed towers above 50 feet in height, that are not regulated by the Federal Aviation Administration, to ensure the safety of pilots.

MOTION: **Rep. Wood (35)** made a motion to recommend approval of **Docket No. 39-0402-1201** to the full committee. **Motion carried by voice vote.**

DOCKET NO. 39-0342-1201: **Greg Laragan**, ITD, said an Access Management Committee was formed and was charged to develop an amended Administrative Rule that streamlines the access permit application process. He said in this rule the district engineer has been given the authority to approve or deny access permits and rule on initial appeals. Due to the time constraints, the Subcommittee will revisit this rule at a later time.

ADJOURN: There being no further business to come before the Subcommittee, the meeting adjourned at 2:55 p.m.

Representative Bateman
Chair

Leah Kent
Secretary

AMENDED AGENDA #1
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Tuesday, January 22, 2013

SUBJECT	DESCRIPTION	PRESENTER
Stuart Davis	Update on Local Highway Districts	Stuart Davis, IAHD
RS21629	Recreational Vehicle Annual License	Tamara Humiston
RS21643	Cross-Country Skiing	Tamara Humiston
RS21608	Rural Economic Development and Integrated Freight Transportation	Laura Johnson

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Denney	Rep Patterson
Vice Chairman Shepherd	Rep Gestrin	Rep Youngblood
Rep Wood(35)	Rep Gibbs	Rep Ringo
Rep Wills	Rep Hixon	Rep King
Rep Bateman	Rep Kauffman	Rep Gannon
Rep Henderson	Rep Packer	

COMMITTEE SECRETARY

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Tuesday, January 22, 2013

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Wood(35), Wills, Bateman, Henderson, Denney, Gestrin, Gibbs, Hixon, Kauffman, Packer, Patterson, Youngblood, Ringo, King, Gannon

**ABSENT/
EXCUSED:** None

GUESTS: Rex Green, Idaho State Independent Auto Dealers Assoc.; Burt Hill, Idaho Reporter; Nancy Merrill, IDPR; Tamara Humiston, IDPR; Amy Smith, ITD; Chris Fisher ITD; Betsy Russell, The Idaho Spokesman.

Chairman Palmer called the meeting to order at 1:28 p.m.

MOTION: **Rep. Ringo** made a motion to approve the minutes of the January 16, 2013 meeting. **Motion carried by voice vote.**

Stu Davis gave an update of the Idaho Association of Highway Districts.

RS 21629: **Tamara Humiston**, Idaho Parks and Recreation, said the purpose of this proposed legislation was to provide statutory authority for initial license fees for recreation vehicles to be prorated on a monthly basis for a new owner. Subsequent renewals shall pay the annual fees regardless of the registration date. The initial license fee for a recreation vehicle proration has been in practice for an extended period of time.

MOTION: **Rep. Ringo** made a motion to introduce **RS 21629**. **Motion carried by voice vote.**

RS 21643: **Tamara Humiston**, Idaho Parks and Recreation, said a comprehensive review of **Idaho Code Chapter 7, Title 67** was completed relating to the registration statutes. The review was prompted by the Department's zero-base budget exercise and the Idaho Transportation Department system upgrade. Upon completion of the review, it was determined that **Idaho Code 67-7119** Cross-Country Skiing Advisory Committees are not needed. The committee was disbanded in 1993.

MOTION: **Rep. Wood(35)** made a motion to introduce **RS 21643**. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee the meeting was adjourned at 1:42 p.m.

Representative Palmer
Chair

Leah Kent
Secretary

AMENDED AGENDA #1
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
BATEMAN SUBCOMMITTEE
Bateman
Upon Adjournment of the Full Committee
Room EW40
Tuesday, January 22, 2013

DOCKET NO.	DESCRIPTION	PRESENTER
39-0342-1201	Rules Governing Highway Right-of-Way Encroachments on State Rights-of-Way	Greg Laragan

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Bateman
Rep.Gestrin
Rep.Hixon
Rep.Kauffman
Rep.Ringo
Rep.Wood(35)
Rep.Youngblood

COMMITTEE SECRETARY

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MINUTES
**HOUSE TRANSPORTATION & DEFENSE COMMITTEE
BATEMAN SUBCOMMITTEE**

DATE: Tuesday, January 22, 2013
TIME: Upon Adjournment of the Full Committee
PLACE: Room EW40
MEMBERS: Chairman Bateman, Representatives Wood (35), Gestrin, Hixon, Kauffman, Ringo, Youngblood.
**ABSENT/
EXCUSED:** None
GUESTS: None
Chairman Bateman called the meeting to order at 1:50 p.m.
DOCKET NO. 39-0342-1201: **Greg Laragan**, ITD, said this rule is in relation to new highway construction. There appears to be no mechanism by which the department can maintain a new segment of highway as a freeway or expressway. Additionally, the current rule has no provision for the department to designate existing state highway segments as freeways or expressways. The new amendments designate existing state highway segments as freeways or expressways. Without these new amendments, limiting access to these two types of controlled-access facilities may not be possible.
MOTION: **Rep. Hixon** made a motion to recommend approval of **Docket No. 39-0342-1201** to the full committee. **Motion carried by voice vote.**
ADJOURN: There being no further business to come before the Subcommittee, the meeting adjourned at 2:00 p.m.

Representative Bateman
Chair

Leah Kent
Secretary

JOINT
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
AND
SENATE TRANSPORTATION COMMITTEE
1:30 P.M.
Auditorium WW02
Thursday, January 24, 2013

SUBJECT	DESCRIPTION	PRESENTER
	The Idaho Transportation Department's Annual Update to the House and Senate Transportation Committees	Brian Ness , Director, Idaho Transportation Department

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Denney
Vice Chairman Shepherd	Rep Gestrin
Rep Wood(35)	Rep Gibbs
Rep Wills	Rep Hixon
Rep Bateman	Rep Kauffman
Rep Henderson	Rep Packer

Rep Patterson
Rep Youngblood
Rep Ringo
Rep King
Rep Gannon

COMMITTEE SECRETARY

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MINUTES
JOINT MEETING
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
SENATE TRANSPORTATION COMMITTEE

DATE: Thursday, January 24, 2013

TIME: 1:30 P.M.

PLACE: Auditorium WW02

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Wood(35), Wills, Bateman, Henderson, Denney, Gestrin, Gibbs, Hixon, Kauffman, Packer, Patterson, Youngblood, Ringo, King, Gannon

Chairman Brackett, Vice Chairman Johnson, Senators Keough, Winder, Rice, Nonini, Hagedorn, Bock, Buckner-Webb

**ABSENT/
EXCUSED:** Representatives Wills, Henderson

GUESTS: Dave Butzier, URS; Elizabeth Criner, Northwest Food Processors Association and Far West Agribusiness Association; Lyn Darrington, State Farm; Julie Delorenzo, Idaho Transportation Department Board; Rex Green, Idaho Independent Auto Dealers; Dan Harbeke, Union Pacific; Robyn Lockett, Legislative Services Office; Jeremy Pisca, Risch Pisca; Roger Seiber, Capitol West; Russell Westerburg, Lamar

Chairman Brackett called the meeting to order at 1:36 p.m.

Brian Ness, Director, Idaho Transportation Department (ITD), presented the annual report of his agency. He stated the key points would be the fiscal 2014 budget, federal funding bill, strategic plan progress, revenue enhancement and focus goals for 2013. He presented ITD's FY 14 budget, making mention that ITD received no money from Idaho's General Fund. He reported the Operational Program Environment (OPE) audit was closed without any major problems and that they had no legislative audit findings in the last two years. He explained funding is down due to the Federal Transportation Funding Bill. He said it will expire in 2014 and will have to be extended or ITD's budget could be cut by \$100 million.

Mr. Ness discussed the new strategic plan and mission that was developed at ITD. He said they changed employee performance reviews from staggered to annually. He stated one of the goals of the strategic plan is to have the safest transportation system possible and gave examples as to how they have begun to accomplish this goal. He believes highway fatalities can be even lower and they will continue to work towards that goal. He said the next goal was to have a mobility focused transportation system that distinguishes Idaho from the rest of the country. This allows ITD to work with other agencies to see economic impacts. He mentioned some of the accomplishments on this goal. He said this goal also allowed ITD to develop a freight study to improve freight movement within Idaho. He reviewed the six recommendations this study found.

The next strategic goal, **Mr. Ness** stated was for ITD to become the best organization by developing employees and implementing innovative business practices. The key accomplishment to this goal was to change the organizational culture. To do this, he said, they went beyond the regular employee satisfaction survey and looked at leadership gaps. He discovered there were 9 layers in the management level system. They designed a new management level system that reduced the number of layers to 5 with clearly defined roles for each layer. He believes there are always areas to improve in leadership skills. ITD had a leadership summit to determine how to deliver the best customer service. He said one of the main barriers was employee compensation and turnovers. To fix this they introduced an employee compensation package which in the last year brought the turnover rate to zero. He stated this allows experienced personnel to stay on the roads.

Mr. Ness stated that last year they saved money and reinvested it. This will provide for additional projects and will save in interest. They will also go to a paperless filing system and reorganize office space. Some of the future areas they will discuss include bridge needs and pavement conditions. He stated that failing pavements in the future are more costly than keeping them maintained now. This year, he said they will continue to train new leaders and implement 'lag' measures to deliver better customer service.

Mr. Ness responded to questions regarding the debt service by saying last year the money saved was not additional funding. He said if they have the reduction in federal aid there was a possibility that they could still pay their debt and needs on the road but would lose ground in bigger construction projects and bridges. He believes ITD has done everything that was asked of them and will continue to use money wisely.

In response to questions regarding how many passenger miles are driven in Idaho annually, **Mr. Ness** said approximately 15 billion vehicle miles were traveled this year. He gave some examples of the economic impact of reducing height, width and weight limits by stating transportation is so important to economic movement. He explained how ITD collaborates with the Department of Commerce daily in regards to economic impact for businesses.

In regards to how much of their budget goes into the roads, **Mr. Ness** said roughly 95% of their budget goes into road projects or maintenance on the road. Most of the money is going into rehabilitating the existing system first. He believes they can bring bridges up to standard within a 7 year time frame. He stated the implication to possibly losing \$100 million would force them to change their strategy from big construction jobs to maintenance and holding the system together as it is.

Mr. Ness responded to a question of whether to provide training to planning and zoning boards, schools and other local agencies to prevent costly maintenance or repairs by stating they have stressed the importance with districts to communicate with these groups on a regular basis.

ADJOURN:

There being no further business to come before the Joint Committees the meeting was adjourned at 2:37p.m.

Representative Palmer
Chair

Jackie Wright
Secretary

AMENDED AGENDA #2
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Monday, January 28, 2013

SUBJECT	DESCRIPTION	PRESENTER
<u>RS21608</u>	Rural Economic Development and Integrated Freight Transportation Program	Laura Johnson, Dept. of Agriculture
<u>H19</u>	Relating to state designation of airports	Mike Pape/Bill Statham, ITD
<u>H20</u>	To provide the State Tax Commission to sell gaseous fuel permits	Mike Chakarun, State Tax Commission
<u>H21</u>	To remove language relating to certain preapplication approval by the ITD.	Bill Statham, ITD

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Denney	Rep Patterson
Vice Chairman Shepherd	Rep Gestrin	Rep Youngblood
Rep Wood(35)	Rep Gibbs	Rep Ringo
Rep Wills	Rep Hixon	Rep King
Rep Bateman	Rep Kauffman	Rep Gannon
Rep Henderson	Rep Packer	

COMMITTEE SECRETARY

Leah Kent
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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Monday, January 28, 2013

TIME: 1:33 P.M.

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Wood(35), Wills, Bateman, Henderson, Denney, Gestrin, Gibbs, Hixon, Kauffman, Packer, Patterson, Youngblood, Ringo, King, Gannon

**ABSENT/
EXCUSED:** None

GUESTS: Edward Pemble, ITD, Regina Phipps, ITD, Mike Chakarun, ISTC, Mike Pape, TD - Aeronautics, Mike Brassey, Union Pacific, Greg Laragan, ITD, Ethan Griffiths, ITD, Melissa Kaplan, ITD - Aeronautics, Laura Johnson, ISDA, Amy Smith, ITD, Mollie McCarty, ITD, Russell Westerberg, LAMAR, Riguel Legarrela, Realtors, Jeremy Pisca, Risch Pisca, Kerry Ellen Elliott, IAC, Lynn Tominaga.

MOTION: **Chairman Palmer** called the meeting to order at 1:33 p.m.

MOTION: **Rep. Ringo** made a motion to approve the minutes of the January 24, 2013 meeting. **Motion carried by voice vote.**

MOTION: **Rep. Kauffman** made a motion to approve the Bateman Subcommittee minutes of January 16, 2013 with the following correction: On page 1, paragraph 3, "issues" should be "issued". **Motion carried by voice vote.**

MOTION: **Rep. Hixon** made a motion to approve the Bateman Subcommittee minutes of January 22, 2013. **Motion carried by voice vote.**

DOCKET NO. 11-1301-1201: **Rep. Bateman** explained this rule saying, interstate carriers operating commercial motor vehicles transporting property must abide by the laws and rules of the state of Idaho.

MOTION: **Rep. Wills** made a motion to approve **Docket No. 11-1301-1201. Motion carried by voice vote.** **Rep. Wood(35), Gestrin, Denny and Shepherd** requested to be recorded as voting **NAY**.

DOCKET NO. 39-0212-1201: **Rep. Bateman** explained this rule saying, a bonded title is required when an owner acquires a vehicle less than ten years old and is not able to obtain the ownership documents necessary to be issued a regular title.

MOTION: **Rep. Wood(35)** made a motion to approve **Docket No. 39-0212-1201. Motion carried by voice vote.**

DOCKET NO. 39-0260-1201: **Rep. Bateman** said this rule implements **S1243** which will put parameters around the prequalification and application for Special License Plate Programs.

MOTION: **Rep. Hixon** made a motion to reject **Docket No. 39-0260-1201. Motion carried by voice vote.**

DOCKET NO. 39-0261-1201: **Rep. Bateman** explained this rule will create equity for those agencies eligible for exempt vehicle registration.

MOTION: **Rep. Wood(35)** made a motion to approve **Docket No. 39-0261-1201. Motion carried by voice vote.**

DOCKET NO. 39-0271-1201: **Rep. Bateman** said this rule will establish a violation point count system for various moving traffic violations and infractions.

MOTION: Rep. Hixon made a motion to approve **Docket No. 39-0271-1201. Motion carried by voice vote.**

DOCKET NO. 39-0304-1201 & 39-0310-1201: Rep. Bateman said these rules will clarify the proper safety and towing requirements by the proper class of tow vehicles during first and secondary movement.

MOTION: Rep. Wood(35) made a motion to approve **Docket No. 39-0304-1201. Motion carried by voice vote.**

MOTION: Rep. Gestrin made a motion to approve **Docket No. 39-0310-1201. Motion carried by voice vote.**

DOCKET NO. 39-0341-1201: Rep. Bateman said this rule will update the 2009 Manual on Uniform Traffic Control Devices.

MOTION: Rep. Kauffman made a motion to approve **Docket No. 39-0341-1201. Motion carried by voice vote.**

DOCKET NO. 39-0402-1201: Rep. Bateman said this rule is updated to comply with **H 511aa** from the 2012 Legislative Session. These are the standards for lighting and marking of guyed towers above 50 feet in height, that are not regulated by the Federal Aviation Administration, to ensure the safety of pilots.

MOTION: Rep. Hixon made a motion to approve **Docket No. 39-0402-1201. Motion carried by voice vote.**

DOCKET NO. 39-0342-1201: Rep. Bateman said this rule is relating to highway construction.

MOTION: Rep. Wood(35) made a motion to approve **Docket No. 39-0342-1201. Motion carried by voice vote.**

RS 21608: Laura Johnson, Department of Agriculture, presented **RS 21608** relating to the Rural Economic Development and Integrated Freight Transportation Program. At the present time railroads fall under the Department of Agriculture and they are asking that it be moved and put under the Department of Transportation.

MOTION: Rep. Packer made a motion to introduce **RS 21608. Motion carried by voice vote.**

H 19: Bill Statham, Department of Transportation, presented **H 19**. He said the existing statutory requirement for sponsors of proposed airports to obtain approval from the Idaho Transportation Department is no longer of value and only adds an administrative burden to airport sponsors.

MOTION: Rep. Ringo made a motion to send **H 19** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** Rep. Wood(35) will sponsor the bill on the floor.

H 20: Mike Chakarun, Tax Commission, presented **H 20**. He said this would allow the Tax Commission to sell gaseous fuel permits.

MOTION: Rep. Wood(35) made a motion to send **H 20** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** Rep. Hixon will sponsor the bill on the floor.

H 21: Bill Statham, Department of Transportation, presented **H 21**. He said this requires non-primary National Plan of Integrated Airport Systems (NPIAS) airports to submit pre-application information and obtain Idaho Transportation Department approval before submitting a request for federal grant funding.

MOTION: Rep. King made a motion to send **H 21** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** Rep. Gibbs will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee the meeting was adjourned at 2:26 p.m.

Representative Palmer
Chair

Leah Kent
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Wednesday, January 30, 2013

SUBJECT	DESCRIPTION	PRESENTER
	Emergency Communication Commission (ECC) Annual Report	Garrett Nancolas, ECC
RS21788	Filling a vacancy on the board for single countywide highway districts.	Jerry Deckard, Capital West
H39	Initial License Fees for Recreational Vehicles	Tamara Humiston, Parks and Recreation
H40	Relating to Cross-Country Skiing	Tamara Humiston, Parks and Recreation
H41	Clarify when visually impaired individuals are considered competent to drive a motor vehicle and to make technical corrections.	Angela Jones, Commission for the blind and visually impaired

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Denney	Rep Patterson
Vice Chairman Shepherd	Rep Gestrin	Rep Youngblood
Rep Wood(35)	Rep Gibbs	Rep Ringo
Rep Wills	Rep Hixon	Rep King
Rep Bateman	Rep Kauffman	Rep Gannon
Rep Henderson	Rep Packer	

COMMITTEE SECRETARY

Leah Kent
Room: EW60
Phone: 332-1146
email: htran@house.idaho.gov

MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Wednesday, January 30, 2013

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Wood(35), Wills, Bateman, Henderson, Denney, Gestrin, Gibbs, Hixon, Kauffman, Packer, Patterson, Youngblood, Ringo, King, Gannon

**ABSENT/
EXCUSED:** None

GUESTS: Tamara Humiston, IDPR, Ed Pemble, ITD, Vicky Fisher, ITD, Amy Smith, ITD, Nancy Merrill, IDPR, Eddie Goldsmith, ECC, Angela Jones, ICBVI, Craig Frederickson, Thorncreek Vending, Russ Westerberg, LAMAR, Raeleen Welton, Westerberg & Assoc., Kendra Kenyen, ID Council of Gov., Dwight Hanson, ISCVI, Roger Seiber, ACHD, Jerry Deckard, ACHD, Tony Smith, Benton Ellis, Colby Camern, Sulliva & Reberger

Chairman Palmer called the meeting to order at 1:30 p.m.

MOTION: **Rep. Ringo** made a motion to approve the minutes of the January 24, 2013 meeting. **Motion carried by voice vote.**

MOTION: **Rep. Ringo** made a motion to approve the minutes of the January 28, 2013 meeting. **Motion carried by voice vote.**

Eddie Goldsmith, D 9-1-1 Program Co-ordinator, presented the Idaho Emergency Communication Commission (IECC) Annual Report. The purpose and responsibilities of the Commission granted by the Idaho Legislature are centered on finding solutions to the difficulties of counties and cities to keep up with technological advances in the area of 9-1-1 and emergency communications for public safety purposes in general.

RS 21788: **Jerry Deckard**, Capitol West, presented **RS 21788** relating to filling a vacancy on the single county-wide highway district board.

MOTION: **Rep. Youngblood** made a motion to introduce **RS 21788**. **Motion carried by voice vote.**

H 39: **Tamara Hummiston**, Idaho Parks and Recreation, presented **H 39**. She said initial license fees for recreational vehicles shall be prorated on a monthly basis for new owners and subsequent renewals of annual licenses shall require annual fees.

MOTION: **Rep. Wills** made a motion to send **H 39** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Packer** will sponsor the bill on the floor.

H 40: **Tamara Hummiston**, Idaho Parks and Recreation, presented **H 40**. She said this bill is relating to the cross-country skiing advisory committees.

MOTION: **Rep. Bateman** made a motion to send **H 40** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Bateman** will sponsor the bill on the floor.

H 41: **Angela Jones**, Commission for the Blind and Visually Impaired, presented **H 40**. She said this bill will clarify when visually impaired individuals are considered competent to drive a motor vehicle and will make technical corrections.

MOTION: **Rep. Wood(35)** made a motion to send **H 41** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Wood(35)** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee the meeting was adjourned at 2:24 p.m.

Representative Palmer
Chair

Leah Kent
Secretary

AMENDED AGENDA #1
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Monday, February 04, 2013

SUBJECT	DESCRIPTION	PRESENTER
<u>H 66</u>	Moving Rail Road from Department of Agriculture to the Department of Transportation	Laura Johnson, Department of Agriculture
<u>H 85</u>	Filling a Mid-Term vacancy for single county-wide Highway District Board	Jerry Deckard, Capitol West
<u>RS21883</u>	Resolution in recognition of ITD.	Representative Palmer

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Denney	Rep Patterson
Vice Chairman Shepherd	Rep Gestrin	Rep Youngblood
Rep Wood(35)	Rep Gibbs	Rep Ringo
Rep Wills	Rep Hixon	Rep King
Rep Bateman	Rep Kauffman	Rep Gannon
Rep Henderson	Rep Packer	

COMMITTEE SECRETARY

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Monday, February 04, 2013

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Wood(35), Wills, Bateman, Henderson, Denney, Gestrin, Gibbs, Hixon, Kauffman, Packer, Patterson, Youngblood, Ringo, King, Gannon

**ABSENT/
EXCUSED:** Rep. Denney, Rep. Ringo

GUESTS: Roger Seiber, Capitol West, Jerry Deckard, ACHD, Laura Johnson, ISDA, Dave Carlson, AAA Idaho, Mike Pape, ITD, Dar Oberding, Idaho Grain Producers.

Chairman Palmer called the meeting to order at 1:30 p.m.

MOTION: **Rep. Hixon** made a motion to approve the minutes of the January 30, 2013 meeting. **Motion carried by voice vote.**

H 66: **Laura Johnson**, Department of Agriculture, presented **H 66**. She said this bill relates to the rural economic development and integrated freight transportation program.

MOTION: **Rep. Kauffman** made a motion to send **H 66** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Kauffman** will sponsor the bill on the floor.

H 85: **Jerry Deckard**, Capitol West, presented **H 85**. He said this bill is relating to a single county-wide highway districts vacancy on the board.

MOTION: **Rep. Gestrin** made a motion to send **H 85** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Gestrin** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee the meeting was adjourned at 1:40 p.m.

Representative Palmer
Chair

Leah Kent
Secretary

AMENDED AGENDA #1
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Wednesday, February 06, 2013

SUBJECT	DESCRIPTION	PRESENTER
<u>RS21908</u>	Relating to Safety Restraint Use	Rep. Wills
<u>RS21642C2</u>	This legislation shifts the recreational registration process for boat off-highway vehicles, and resident snowmobiles from the IDPR to the ITD.	Nancy Merrill, Department of Parks and Recreation
<u>RS21671</u>	Pilot Registration	Mike Pape, Department of Transportation
<u>RS21675</u>	Aircraft Registration	Mike Pape
<u>RS21850</u>	Relating to Rules Governing License Plate Provisions	Rep. Hixon

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Denney	Rep Patterson
Vice Chairman Shepherd	Rep Gestrin	Rep Youngblood
Rep Wood(35)	Rep Gibbs	Rep Ringo
Rep Wills	Rep Hixon	Rep King
Rep Bateman	Rep Kauffman	Rep Gannon
Rep Henderson	Rep Packer	

COMMITTEE SECRETARY

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Wednesday, February 06, 2013

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Wood(35), Wills, Bateman, Henderson, Denney, Gestrin, Gibbs, Hixon, Kauffman, Packer, Patterson, Youngblood, Ringo, King, Gannon

**ABSENT/
EXCUSED:** None

GUESTS: Steve Martin, IDPR, Tamara Humiston, IDPR, Phyllis Easteppe, citizen, Brad Carlson, Idaho News, Nancy Merrill, IDPR, Becky Johnson, Backcountry Recreation Club, Woody Rechols, Ins. Cos., Sandra Mitchell, IRC, Gordon Cruickshank, Valley County, Steven Huffman, Boise ATC Trail Riders, Amy Smith, ITD, Mike Pape, ITD, Russell Westerberg, Western Aircraft, Kent Wills, ISP, Paul Jackson, Farmers Group Inc., Kyle Wills, Boise Police Dept., Tony Smith, Benton Ellis, Dave Carlson, AAA Idaho.

Chairman Palmer called the meeting to order at 1:30 p.m.

MOTION: **Rep. Hixon** made a motion to approve the minutes of February 4, 2013. **Motion carried by voice vote.**

RS 21908: **Rep. Wills**, said this RS would amend Idaho Code Section 49-673 providing a primary action violation of the state seat belt law for persons between the ages of fourteen and eighteen, regardless of whether the operator is detained for any other suspected violation of law.

MOTION: **Rep. Bateman** made a motion to introduce **RS 21908**.

SUBSTITUTE MOTION: **Rep. Shepherd** made a motion to return **RS 21908** to the sponsor.

The committee expressed concerns regarding the age of eighteen in the proposed legislation. Members commended that an eighteen year old can vote and carry a gun in a war and it is their own responsibility to obey the law. More comments were made regarding an eighteen year old not being as attentive especially when they are with their peers and this proposed legislation could be a financial burden on the parents.

VOTE ON SUBSTITUTE MOTION: **Chairman Palmer** called for a vote on the substitute motion to return **RS 21908** to the sponsor. **Motion failed by voice vote.**

VOTE ON ORIGINAL MOTION: **Chairman Palmer** called for a vote on the original motion to introduce **RS 21908**. **Motion carried by voice vote.**

RS 21642C2: **Nancy Merrill**, Director, Idaho Department of Parks and Recreation said this proposed legislation shifts the recreational registration process for boats, off-highway vehicles, and resident snowmobiles from the Idaho Department of Parks and Recreation (IDPR) to the Idaho Transportation Department (ITD). ITD is upgrading their motor vehicle registration system. The system will require a unique identified number such as a social security, driver's license, or tax identification number.

Director Merrill said that the Parks and Recreation Department had received a lot of constituent letters on this legislative proposal. She said there were concerns that vendors who currently carry out the registration services would be losing significant business along with the loss of ready access to the registration. Director Merrill pointed out that on-line registration is available, so that individuals wouldn't lose their opportunity to use their recreational items. She said that vendors could still sell stickers to accommodate out-of-town folks who visit an area for recreational purposes.

MOTION: **Rep. Gestrin** made a motion to introduce **RS 21642C2**. **Motion carried by voice vote.**

RS 26167: **Mike Pape**, ITD Aeronautics, said the pilot registration fee of \$12.00 every two years has not increased since 1990. He said current revenue does not cover even the cost of pilot safety training. This has stalled the volunteer search pilot network. The existing statute requires pilot registration, but provides no enforcement mechanism. He said given the challenges and limitations associated with pilot registration, they propose eliminating this statutory requirement and shifting the focus to aircraft registration.

MOTION: **Rep. Gibbs** made a motion to introduce **RS 26167**. **Motion carried by voice vote.**

RS 21675: **Mike Pape**, ITD Aeronautics, said to increase aircraft registration fees from 1 cent per pound of aircraft to 3 cents per pound of aircraft would recoup part of the lost revenue value. The existing cap on registration fees would be increased from \$200.00 to \$600.00 per craft. He said a new minimum \$20.00 fee would be imposed to cover the administrative cost of registering very light aircraft and those experimental aircraft with no manufacturer's certified maximum weight.

MOTION: **Rep. Wood(35)** made a motion to introduce **RS 21675**. **Motion carried by voice vote.**

RS 21850: The committee will hear **RS 21850** at a later date.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:30 p.m.

Representative Palmer
Chair

Leah Kent
Secretary

AMENDED AGENDA #2
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Tuesday, February 12, 2013

SUBJECT	DESCRIPTION	PRESENTER
<u>RS21778C1</u>	Relating to Motor Vehicle Dealers and Salesmen	Rep. Wood(35)
<u>RS21917</u>	Relating to Motor Carriers	Jason Kreizenbeck, Idaho Trucking Association
<u>RS21850</u>	Relating to Rules Governing License Plate Provisions	Rep. Hixon
<u>RS21940</u>	Regarding Specialty License Plates	Rep. Hixon
<u>RS21975</u>	For any public construction work, the current law requires that the applicable governmental entity retain a professional engineer to develop plans, specifications, and estimates for all public work involving public health and safety.	Rep. Moyle
<u>RS21930</u>	Limit a county or highway district's liability resulting from an unauthorized encroachment in the public right-of-way	Stuart Davis, IAHD
<u>RS21935</u>	Water on a public right-of-way is a nuisance.	Stuart Davis, IAHD
<u>RS21932</u>	Penalties for flooding public highways with irrigation water.	Stuart Davis, IAHD
<u>RS21883C1</u>	Resolution in recognition of ITD	Chairman Palmer

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Denney	Rep Patterson
Vice Chairman Shepherd	Rep Gestrin	Rep Youngblood
Rep Wood(35)	Rep Gibbs	Rep Ringo
Rep Wills	Rep Hixon	Rep King
Rep Bateman	Rep Kauffman	Rep Gannon
Rep Henderson	Rep Packer	

COMMITTEE SECRETARY

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Tuesday, February 12, 2013

TIME: 1:32 P.M.

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Wood(35), Wills, Bateman, Henderson, Denney, Gestrin, Gibbs, Hixon, Kauffman, Packer, Patterson, Youngblood, Ringo, King, Gannon

**ABSENT/
EXCUSED:** None

GUESTS: Trent Wright, IADA, Russell Westerberg, LAMAR, Amy Smith, ITD, Jason Kreizenbeck, Lobby Idaho/ITA, Norm Semanki, Idaho Water Users Assoc., Dennis Tanikuni, Idaho Farm Bureau, Roger Seiber, ACHD, Steve Price, ACHD, Miguel Legarreta, Realtors, Mollie McCarty, ITD.

Chairman Palmer called the meeting to order at 1:32 p.m.

MOTION: **Rep. Ringo** made a motion to approve the minutes of the February 6, 2013 meeting. **Motion carried by voice vote.**

RS 21778C1 **Trent Wright**, ITA, discussed the Consumer Asset Recovery Fund. He said currently Idaho Code provides that all licensed vehicle and vessel dealerships have a surety bond as a part of their licensing requirements. He also said the current bonding levels have been in place for more than 15 years, at \$20,000 for vehicle dealers, and \$10,000 for motorcycles, off-road vehicles and trailer dealers. The surety bond levels have not kept pace with the rising increase in vehicle prices.

Rep. Gannon invoked Rule 38 citing a possible conflict of interest.

MOTION: **Rep. Wills** made a motion to introduce **RS 21778C1**. **Motion carried by voice vote.**

RS 21917: **Jason Kreizenbeck**, Idaho Trucking Association, proposed that **RS 21917** legislation would void contractual provisions in motor carrier transportation contract that indemnify a promisee for their own negligent or intentional acts or omissions that lead to claims. He said it would also clarify that both parties to a motor carrier transportation contract (meaning the shipper and the carrier) can each only be held responsible for activities under their control.

MOTION: **Rep. Wills** made a motion to introduce **RS 21917**. **Motion carried by voice vote.**

RS 21850: Relating to Rules Governing License Plate Provisions.

RS 21940: Regarding Specialty License Plates.

RS 21975: For any public construction work, the current law requires that the applicable governmental entity retain a professional engineer to develop plans, specifications, and estimates for all public work involving public health and safety.

RS 21930: Limit a county or highway district's liability resulting from an unauthorized encroachment in the public right-of-way.

RS 21935: Water on a public right-of-way is a nuisance.

RS 21932: Penalties for flooding public highways with irrigation water.

MOTION: **Rep. Gibbs** made a motion to introduce **RS 21850, RS 21940, RS 21975, RS 21930, RS 21935, RS 21932**. **Motion carried by voice vote.**

RS 21883C1: **Rep. Palmer** proposed a Resolution of Recognition to ITD for the accomplishments of the Idaho Transportation Department.

MOTION: **Rep. Gibbs** made a motion to introduce **RS 21883C1. Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 1:41 p.m.

Representative Palmer
Chair

Leah Kent
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:00 P.M.
Off Site Meeting
Thursday, February 14, 2013

SUBJECT	DESCRIPTION	PRESENTER
	Transportation and Defense Committee will be meeting with the Ada County Highway District. 3775 Adams St., Garden City, Idaho 83714	Col. Bruce Wong, ACHD Director
	Vans will depart the Capitol on Jefferson Street at 1:00 p.m.	

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Denney
Vice Chairman Shepherd	Rep Gestrin
Rep Wood(35)	Rep Gibbs
Rep Wills	Rep Hixon
Rep Bateman	Rep Kauffman
Rep Henderson	Rep Packer

Rep Patterson
Rep Youngblood
Rep Ringo
Rep King
Rep Gannon

COMMITTEE SECRETARY

Leah Kent
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Phone: 332-1146
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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Thursday, February 14, 2013

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Wood(35), Wills, Bateman, Henderson, Denney, Gestrin, Gibbs, Hixon, Kauffman, Packer, Patterson, Youngblood, Ringo, King, Gannon

**ABSENT/
EXCUSED:** Rep. Wood(35), Rep. Wills, Rep. Bateman, Rep. Henderson, Rep. Denney, Rep. Gibbs, Rep. Ringo, Rep. King.

GUESTS:

Met ACHD vans at 1:00 p.m. in front of the capitol

Had an off-site meeting and presentation with the ACHD in their office. Toured the control center and the maintenance building.

ADJOURN: At the capitol at 2:45 p.m.

Representative Palmer
Chair

Leah Kent
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Monday, February 18, 2013

SUBJECT	DESCRIPTION	PRESENTER
H 167	Relating to Motor Vehicle Dealers and Salesmen	Rep. Wood(35)
H 169	Relating to Special License Plates	Rep. Hixon
HCR 7	Stating findings of the legislature and rejecting a certain rule of the ITD relating to rules governing license plate provisions.	Rep. Hixon

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Denney
Vice Chairman Shepherd	Rep Gestrin
Rep Wood(35)	Rep Gibbs
Rep Wills	Rep Hixon
Rep Bateman	Rep Kauffman
Rep Henderson	Rep Packer

Rep Patterson
Rep Youngblood
Rep Ringo
Rep King
Rep Gannon

COMMITTEE SECRETARY

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Monday, February 18, 2013

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Wood(35), Wills, Bateman, Henderson, Denney, Gestrin, Gibbs, Hixon, Kauffman, Packer, Patterson, Youngblood, Ringo, King, Gannon

**ABSENT/
EXCUSED:** None.

GUESTS: Trent Wright, IADA, Bobby Petersen, Dealer Advisory Board, Rax Green, IADA, Kyle Durham, IADA, Amy Smith, ITD, Grant Petersen, IADA, Mollie McCarty, ITD.

Chairman Palmer called the meeting to order at 1:32 p.m.

MOTION: **Rep. Hixon** made a motion to approve the minutes of the February 12, 2013 meeting. **Motion carried by voice vote.**

H 167: **Rep. Wood(35)** briefly introduced the Consumer Asset Recovery (ICAR) Fund. **Trent Wright**, IADA spoke in greater detail concerning the bill. He said that the current bonding levels have been in place for more than 15 years, at \$20,000 for vehicle dealers, and \$10,000 for motorcycles, off-road vehicles and trailer dealers. These bond levels have not kept pace with the rising increase in vehicle prices. He said the Dealer Advisory Board is appointed by the Governor to work with the ITD to create a Consumer Asset Recovery Fund. The fund requires all licensed dealers to contribute and will be solely funded by dealers as part of their annual licensing fees. These monies will be deposited in the State Treasury jurisdiction. He said that under this new ICAR fund the consumer will be protected up to \$50,000, an increase of 250%.

Bobby Petersen, IADA, **spoke in favor** of the bill. He said that the Idaho Consumer Asset Recovery (ICAR) fund board will determine the annual fee paid by dealers. They will oversee the fund and make decisions as to when the funds are released to claimants in a case where there may be multiple claimants for one dealer.

Grant Petersen, IADA, also **spoke in favor** of the bill. He summed up what **Trent Wright** and **Bobby Petersen** had said and encouraged the committee to approve this bill.

Rep. Gannon invoked **Rule 38** stating a possible conflict of interest but that he would be voting on the legislation.

MOTION: **Rep. Wills** made a motion to send **H 167** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Wood(35)** will sponsor the bill on the floor.

H 169: **Rep. Hixon**, said this bill will clarify the wording in relationship to special license plates.

MOTION: **Rep. Wood(35)** made a motion to send **H 169** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Hixon** will sponsor the bill on the floor.

HCR 7: **Rep. Hixon**, said this resolution states findings of the legislature and rejects a certain rule of the ITD relating to rules governing license plate provisions.

MOTION: **Rep. Bateman** made a motion to send **HCR 7** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Hixon** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 2:02 p.m.

Representative Palmer
Chair

Leah Kent
Secretary

AMENDED AGENDA #1
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Wednesday, February 20, 2013

SUBJECT	DESCRIPTION	PRESENTER
<u>H 168</u>	To define terms and to provide that an indemnity agreement in a motor carrier transportation contract is against the public policy of this state and is void and unenforceable.	Jason Kreizenbeck, Idaho Trucking Assoc.
<u>S 1044</u>	Relating to motorcycles. To revise the definition of motorcycle and to make technical corrections.	Senator Hagedorn
<u>H 117</u>	Eliminate Idaho Pilot Registration	Mike Pape, ITD Aeronautics
<u>H 118</u>	Increase aircraft registration fees to recoup part of the lost revenue	Mike Pape, ITD Aeronautics
<u>H 116</u>	Recreation registration process from ITD to IDPR	Nancy Merrill, IDPR

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Denney
Vice Chairman Shepherd	Rep Gestrin
Rep Wood(35)	Rep Gibbs
Rep Wills	Rep Hixon
Rep Bateman	Rep Kauffman
Rep Henderson	Rep Packer

Rep Patterson
Rep Youngblood
Rep Ringo
Rep King
Rep Gannon

COMMITTEE SECRETARY

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Wednesday, February 20, 2013

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Wood (Hall)(35), Wills, Bateman, Henderson, Denney, Gestrin, Gibbs, Hixon, Kauffman, Packer, Patterson, Youngblood, Ringo, King, Gannon

**ABSENT/
EXCUSED:** None

GUESTS: The sign-in sheet will be retained with the minutes in the committee secretary's office until the end of session. Following the end of session, the sign-in sheet will be filed with the minutes in the Legislative Services Library.

Chairman Palmer called the meeting to order at 1:32 p.m.

MOTION: **Rep. Hixon** made a motion to approve the minutes of the February 18, 2013 meeting. **Motion carried by voice vote.**

H 168: **Jason Kreizenbeck**, Idaho Trucking Association, said this legislation would void contractual provisions in motor carrier transportation contracts that indemnify a promisee (or shipper) for their own negligent or intentional acts or omissions that lead to claims. It states that such provisions would be against the public policy of the state of Idaho and are unenforceable. There are 37 states that have passed this type of legislation.

Jason Andrus, Andrus Trucking, testified that the supplier loads the truck and the drivers are not allowed to see how the product is handled. They are invited to either wait inside the building or in their truck. The supplier seals the door and the driver leaves. The drivers are not allowed to open the doors. The receiver is the only one allowed to break the seal on the trailer door and unload the product.

MOTION: **Rep. Wills** made a motion to send **H 168** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Youngblood** will sponsor the bill on the floor.

H 117: **Mike Pape**, ITD Aeronautics, said the pilot registration fee is currently \$6.00 per year. He said the fee has not increased since 1990, so current revenue does not cover even the cost of pilot safety training which has stalled the volunteer search pilot network. The existing statute requires pilot registration but provides no enforcement mechanism.

Rep. Gibbs invoked **Rule 38** stating a possible conflict of interest but that he would be voting on the legislation.

MOTION: **Rep. Gestrin** made a motion to send **H 117** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Gibbs** will sponsor the bill on the floor.

H 118: **Mike Pape**, ITD aeronautics, said that increasing the aircraft registration fees from one cent per pound of aircraft to three cents per pound of aircraft would recoup part of the lost revenue value since the statute was last modified in 1990. He said the existing cap on registration fees would be increased from \$200 to \$600 per craft. A new minimum \$20 fee would be imposed to cover the administrative cost of registering very light aircraft and those experimental aircraft with no manufacturer's certified maximum weight. He also said that any increased revenue would be used to fund aeronautics programs authorized under Title 21.

MOTION: **Rep. Gibbs** made a motion to send **H 118** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Gibbs** will sponsor the bill on the floor.

S 1044: **Senator Hagedorn** said this bill amends Idaho Code 49-114 by updating the definition of a "Motorbike" to keep up to date with the changing technologies. The updated definition will encompass motorbikes that utilize stabilizing wheels.

Marieann Christman, Motorbike Group, explained the safety of the three wheeled motorbike. She went into detail on the purchasing of the motorbike kits and explained the stability of the three wheel technology.

MOTION: **Rep. Bateman** made a motion to send **S 1044** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Patterson** will sponsor the bill on the floor.

H 116: **Nancy Merrill**, Idaho Department of Parks and Recreation, said this legislation will shift the recreational registration process for boats, off-highway vehicles, and resident snowmobiles from the Idaho Department of Parks and Recreation (IDPR) to the Idaho Transportation Department (ITD). ITD is upgrading their motor vehicle registration system. The system will require a unique identifier number such as a social security, driver's license, or tax identification number to show proof of registration and ownership. Director Merrill said that because of the age of the computer system at IDPR and with no funds to upgrade the system, Parks and Recreation is not able to input social security, diver's license, or tax identification numbers to show these vehicles are registered. She said if a person sells a recreation vehicle to another person there is no way to show that Idaho Sales Tax was collected. Director Merrill said ITD will administer the on-going costs of the program by retaining the 15% administrative fees identified in the legislation.

Director Merrill said the biggest impact for passing this bill will be to the vendors of small businesses who have for several years collected the registrations for these vehicles. This has brought increased business to the vendors particularly from out of state visitors who not only registered their vehicles, but also purchased other things while in their place of business. She said with the passage of this bill vendor services will cease.

Director Merrill said the sticker program will still be available to the vendors. ITD already takes care of the titling of the recreational vehicles and registration and titling should go together. She explained the titling program and the sticker program are two different programs. If this bill passes, law enforcement will be able to trace a reported stolen vehicle whereas right now they are not able to if the owner has not registered it.

David Claiborne, ISATVA, **Sandra Mitchell**, IRC, **Tamara Cikaitoga**, Fremont County Parks and Recreation, **Gordon Cruickshank**, Valley County Commissioner, **Jason Smear**, Valley County Sheriff, **Tom Glass**, citizen and **Jim Klum**, IRC **spoke in opposition** to the legislation, saying they didn't agree with the impact this would have on small businesses and the vendor program.

MOTION: **Rep. Gestrin** made a motion to **HOLD H 116** in committee.

ROLL CALL VOTE: **Chairman Palmer** requested a roll call vote. **Motion carried by a vote of 9 AYE, 6 NAY, 2 absent/excused. Voting in favor** of the motion: **Chairman Palmer, Vice Chairman Shepherd, Reps. Wood(35) (Hall), Bateman, Denney, Gestrin, Hixon, Patterson and Youngblood. Voting in opposition** to the motion: **Reps. Gibbs, Kauffman, Packer, Ringo, King and Gannon. Reps. Wills and Henderson were absent/excused.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 3:45 p.m.

Representative Palmer
Chair

Leah Kent
Secretary

AMENDED AGENDA #3
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Tuesday, February 26, 2013

SUBJECT	DESCRIPTION	PRESENTER
H 170	Relating to Real Estate Appraisers, to provide that local highway jurisdictions may perform value estimates in the same manner as the ITD.	Steve Price
H 171	Relating to highways to provide that the county or highway district shall not be liable for any injury or damage caused by or arising from an unauthorized encroachment.	Steve Price
H 155	Motor Vehicle Driver's Licenses, to prohibit cell phone and other wireless device use by certain permittees.	Dave Carlson, AAA
S1006aa	Relating to the ITD to provide that abandonment shall proceed pursuant to law.	Tom Cole, ITD

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Denney	Rep Patterson
Vice Chairman Shepherd	Rep Gestrin	Rep Youngblood
Rep Wood(35)	Rep Gibbs	Rep Ringo
Rep Wills	Rep Hixon	Rep King
Rep Bateman	Rep Kauffman	Rep Gannon
Rep Henderson	Rep Packer	

COMMITTEE SECRETARY

Leah Kent
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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Tuesday, February 26, 2013

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Wood(35), Wills, Bateman, Henderson, Denney, Gestrin, Gibbs, Hixon, Kauffman, Packer, Patterson, Youngblood, Ringo, King, Gannon

**ABSENT/
EXCUSED:** Rep. Henderson

GUESTS: Tom Cole, ITD, Lynn Rhodes, ITD, Daniel Lutzer, ITLA, Norm Semanko, Idaho Water Users, Dave Carlson, AAA Idaho, Mike Kane, AAA, Camille Wills, SDE, Jerry Deckard, ACHD, Roger Seiber, ACHD, Steve Price, ACHD, Angela Richards, All State, State Farm, Farm Bureau, Raeleen Weiton, Westerberg & Assoc., Kerry Elliott, IAC, Woody Richards, Attorney/Lobbyist

Chairman Palmer called the meeting to order at 1:33 p.m.

MOTION: **Rep. Hixon** made a motion to approve the minutes of the February 20, 2013 meeting. **Motion carried by voice vote.**

H 170: **Steve Price**, ACHD, said this bill will allow Real Estate Appraisers to allow local highway jurisdictions to perform value estimates in the same manner as the Idaho Transportation Department.

MOTION: **Rep. Wood(35)** made a motion to send **H 170** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Youngblood** will sponsor the bill on the floor.

H 171: **Steve Price**, ACHD, said this bill would provide that the county or highway district shall not be liable for any injury or damage caused by or arising from a unauthorized encroachment or failure to remove the unauthorized encroachment upon a highway.

MOTION: **Rep. Kauffman** made a motion to send **H 171** to the floor with a **DO PASS** recommendation.

Daniel Luker, ITLA, spoke against this bill saying that it falls under the Idaho Tort Act; Title 9 Chapter 6. This act shields liability for counties and highways from responsibility of unauthorized encroachments. Where the Tort Act is already in place there is no need for the duplication of **H 171**.

Norm Semanko, Water Users Association, testified against this bill referring to **S 1383** that was passed last year. He said if **H 171** is passed the wording in Section 6 of **H 171** needs to be clarified or an amendment needs to be made for clarification.

Rep. Kauffman invoked Rule 38 stating a possible conflict of interest but that he would be voting on the legislation.

Rep. Youngblood invoked Rule 38 stating a possible conflict of interest but that he would be voting on the legislation.

SUBSTITUTE MOTION: **Rep. Hixon** made a substitute motion to **HOLD H 171** in Committee. **Motion failed by voice vote.**

VOTE ON ORIGINAL MOTION: **Chairman Palmer** called for a vote on the original motion to send **H 171** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Reps. King, Gannon and Ringo** requested to be recorded as voting **NAY**. **Rep. Kauffman** will sponsor the bill on the floor.

H 155: **Dave Carlson**, AAA, said this bill will provide that the use of a cell phone or wireless device for the purpose of calling, texting or communicating during the operation of a motor vehicle would be prohibited by teen drivers during the six-month supervised instruction permit process following successful completion of driver training. Mr. Carlson referred to this bill as an education bill. He said this bill is designed to minimize distractions of teen drivers between the ages of 15 and 17 years of age. This bill would give law enforcement an extra tool to send a message to teens.

Mike Kane, AAA, emphasized that this bill is an educational tool. He further said if a teen is cited for using a cell phone, or texting for outside communication he or she will be required to retake the driver's education course again.

MOTION: **Rep. Shepherd** made a motion to **HOLD H 155** in committee.

During further discussion the committee pointed out that this would be an added responsibility for law enforcement. It becomes somewhat difficult to determine the age of a teenage driver. They felt that it was the responsibility of the parent or responsible person in the passenger seat to make sure that there is no calling, texting or outside communication of the teenage driver while operating the motor vehicle.

SUBSTITUTE MOTION: **Rep. Bateman** made a substitute motion to send **H 155** to the floor with a **DO PASS** recommendation.

ROLL CALL VOTE: Roll call vote was requested. **Substitute motion carried by a vote of 9 AYE, 7 NAY, 1 Absent/Excused. Voting in favor of the motion: Reps. Wills, Bateman, Gibbs, Kauffman, Packer, Youngblood, Ringo, King, Gannon. Voting in opposition to the motion: Reps. Palmer, Shepherd, Wood(35), Denney, Gestrin, Hixon, Patterson. Rep. Henderson was absent/excused. Rep. Bateman will sponsor the bill on the floor.**

S 1006aa: **Tom Cole**, ITD, said that portions of Sections 40-310 and 40-203B, are inconsistent in how they relate to relinquishing state routes to local jurisdictions. Mr. Cole said this proposal would delete a portion of Subsection 40-310(1)(a) through (1)(d), which contain requirements for notification, public hearing and appeal which do not apply when a highway can only be relinquished by consent of the recipient.

MOTION: **Rep. Wood(35)** made a motion to send **S 1006aa** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Wood(35)** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 3:10 p.m.

Representative Palmer
Chair

Leah Kent
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 P.M.
Room EW40
Thursday, February 28, 2013

SUBJECT	DESCRIPTION	PRESENTER
<u>H 216</u>	Standards for lighting and marking of guyed towers above 50 feet.	John Williams, Bonneville Power and John Chatburn, Office of Energy Resources
<u>H 217</u>	If a vehicle loaned for temporary use without charge is operated in a negligent manner, and such operation results in death or damages, the primary liability coverage for such event shall be the insurance coverage of the operator.	Trent Wright, Idaho Auto Dealers Assoc.
<u>S 1007</u>	Motor vehicle registration; to revise a term, to remove a reference.	Christine Fisher, IDT
<u>S 1008</u>	Issuance of salvage certificates of title.	Barry Takeuchi, ITD

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Denney	Rep Patterson
Vice Chairman Shepherd	Rep Gestrin	Rep Youngblood
Rep Wood(35)	Rep Gibbs	Rep Ringo
Rep Wills	Rep Hixon	Rep King
Rep Bateman	Rep Kauffman	Rep Gannon
Rep Henderson	Rep Packer	

COMMITTEE SECRETARY

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Thursday, February 28, 2013

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Wood(35), Wills, Bateman, Henderson, Denney, Gestrin, Gibbs, Hixon, Kauffman, Packer, Patterson, Youngblood, Ringo, King, Gannon

**ABSENT/
EXCUSED:** Rep. Henderson

GUESTS: Christine Fisher, ITD-DMV, Barry Takauchi, ITD-DMV, Amy Smith, ITD, Rex Green, IADA, John Chatburn, OFR, John Williams, BDA, Will Hart, Idaho Consumer Owned Utilities, Bobby Peterson, IADA, Dave Edmark, Edmark Auto, Sam Dial, Don Anderson, Lyle Pearson Co., Mike Hanigan, Hanigan Chevrolet, Grant Peterson, Bronco Motors, Trent Wright, IADA, Lyn Darrington, State Farm Insurance Co.

Chairman Palmer called the meeting to order at 1:33 p.m.

H 216: **John Williams**, Bonneville Power, said they wanted to amend the existing law to exempt facilities used by the federal power marketing agency, such as the Bonneville Power Administration, from the standards for lighting and marking of guyed towers above 50 feet.

MOTION: **Rep. Wills** made a motion to send **H 216** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Wills** will sponsor the bill on the floor.

H 217: **Trent Wright**, Independent Auto Dealers Association, said this legislation specifies that if a vehicle loaned for temporary use without charge is operated in a negligent manner, and such operation results in death or damages, the primary liability coverage for such event shall be the insurance coverage of the operator. The owner's coverage shall be secondary.

Bobby Peterson, IADA, **Dave Edmark**, Edmark Auto, **Don Anderson**, Lyle Pearson Co., **Mike Hanigan**, Hanigan Chevrolet, **Grant Peterson**, Bronco Motors, **spoke in favor** of the bill. They expressed their desires to provide good customer service for special events in the Boise area such as parades, homecoming dances etc. They want to be able to send loaner vehicles out when the customers vehicle is in the shop for repair. Their concern comes when there is neglect or damage done to the loaner vehicle. They would like the driver of the loaner vehicle be responsible through his own insurance company to repair the damage. Any part of the repair that is not covered by the driver's insurance would then be covered under the dealer's insurance.

Rep. Gannon and **Rep. Hixon** both invoked Rule 38 stating a possible conflict of interest but they would be voting on the legislation.

MOTION: **Rep. Hixon** made a motion to send **H 217** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Sims** will sponsor the bill on the floor.

- S 1007:** **Christine Fisher**, ITD-DMV, said this proposal will amend Sections 49-402, and 49-434, Idaho Code, to stagger vehicle registrations year-to-year, beginning at the first date of registration, consistent with passenger car registrations, instead of by calendar year. Wherever it makes more sense to stagger a registration, and does not require an additional decal from another entity, i.e., Parks and Recreation or is prohibited in rule. Staggering registration year-to-year beginning at the first date of registration will allow the customer to get a full year's registration for a full year's fees, regardless of the date, eliminating a full fee for a partial year.
- Rep. Patterson** has worked for several months visiting with professional people including ITD on the discrepancy of money. He requested the hand out be attached to the meeting minutes. **Amy Smith**, ITD, addressed **Rep. Patterson's** concerns. **Rep. Patterson** said it was good legislation and he would vote for the bill, but requested further clarification from ITD on the monies.
- MOTION:** **Rep. Packer** made a motion to send **S 1007** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Packer** will sponsor the bill on the floor.
- S 1008:** **Barry Takeuchi**, ITD-DMV, said this proposal will allow the department to gain efficiencies by eliminating usage of the salvage certificate form and utilizing the certificate of title form for salvage vehicle ownership. He said this bill will allow for one form to include a box for salvage certificate rather than two forms. Mr. Takeuchi also said that with the change the fee will go from \$15.00 to \$14.00. The owner of the vehicle could make one of two choices: (1) have the insurance total the vehicle and keep it or (2) the owner of the vehicle can work with the salvage pool and make arrangements to keep the vehicle.
- MOTION:** **Rep. Bateman** made a motion to send **S 1008** to the floor with a **DO PASS** recommendation. **The motion carried by voice vote.** **Rep. Wood(35)** will sponsor the bill on the floor.
- ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 2:50 p.m.

Representative Palmer
Chair

Leah Kent
Secretary

AMENDED AGENDA #1
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 pm or upon adjournment of House Floor Session
Room EW40
Monday, March 04, 2013

SUBJECT	DESCRIPTION	PRESENTER
<u>S 1043</u>	Relating to motor vehicle driver's licenses and identification cards.	Tamara Mackenthun, Div. of Veteran's Services
<u>S 1050</u>	Anyone applying for a wholesale dealer license will be required to complete a four hour education program.	Sen. Chuck Winder
<u>S 1081</u>	Relating to motor vehicle registration provide that certain trailer manufacturers may purchase registration from the depart.	Sen. Marv Hagedorn
<u>S 1083</u>	Relating to motor vehicle license plates, to establish provisions relating to the use of certain specialty license plates.	Sen. Steve Vick

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Denney	Rep Patterson
Vice Chairman Shepherd	Rep Gestrin	Rep Youngblood
Rep Wood(35)	Rep Gibbs	Rep Ringo
Rep Wills	Rep Hixon	Rep King
Rep Bateman	Rep Kauffman	Rep Gannon
Rep Henderson	Rep Packer	

COMMITTEE SECRETARY

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Monday, March 04, 2013

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Wood(35), Wills, Bateman, Henderson, Denney, Gestrin, Gibbs, Hixon, Kauffman, Packer, Patterson, Youngblood, Ringo, King, Gannon

**ABSENT/
EXCUSED:** None

GUESTS: Tamara Mackenthun, Div. of Veterans Services, Sen Marv Hagadorn, Sen. Steve Vick, Rex Green, ISIADA

Chairman Palmer called the meeting to order at 3:35 p.m.

S 1043: **Rep. Bateman** said this legislation seeks to honor Idaho Veterans by formally recognizing their service by allowing the DMV to add information to state drivers' licenses or identification cards signifying the holder's status as a veteran. He also said that at the present time National Guard are exempt unless called to active duty.

MOTION: **Rep. Wills** made a motion to send **S 1043** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Eskridge** will sponsor the bill on the floor.

S 1050: **Rex Green**, Idaho State Independent Auto Dealers Association (ISIADA), said this bill will require anyone applying for a wholesale dealer license be required to complete a four hour education program developed and offered by ISIADA, and shall be approved by the Idaho Transportation Department (ITD.)

MOTION: **Rep. Gannon** made a motion to send **S 1050** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Gannon** will sponsor the bill on the floor.

S 1081: **Senator Hagadorn**, said this proposed amendment to Idaho Code, will allow Idaho-based trailer manufacturers to purchase trailer and semi-trailer registrations from the Department and provide such annual registrations to foreign-based purchasers. Additionally, this proposal authorizes the amount of the annual registration fee to be applied to a non-expiring registration from the department, provided that the customer acquires a title for such vehicle and makes application within one year. He said this legislation will reduce the non-expiring registration fee from \$105 to \$99.

MOTION: **Rep. Wood(35)** made a motion to send **S 1081** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Wood(35)** will sponsor the bill on the floor.

S 1083: **Senator Vick**, said this bill will allow owners of specialty license plates to keep their specialty plate, if they choose to do so, as their motor vehicle's license plate for seven years from the date of issuance, regardless of whether the specialty license plate program is discontinued due to low sales during that seven year period of time. Specialty license plate fees paid by the owner after the specialty plate program has been discontinued will be deposited into the state highway account.

MOTION: **Rep. Bateman** made a motion to send **S 1083** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. Kauffman** will sponsor the bill on the floor.

MOTION: **Rep. Hixon** made a motion to approve the minutes of the February 28, 2013 meeting. **Motion carried by voice vote.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 4:00 p.m.

Representative Palmer
Chair

Leah Kent
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 pm or Upon Adjournment
Room EW40
Wednesday, March 06, 2013

SUBJECT	DESCRIPTION	PRESENTER
S 1048	Relating to driver's licenses to provide that the ITD may not suspend a driver's license for a parking violation.	Sen. Bart Davis

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Denney
Vice Chairman Shepherd	Rep Gestrin
Rep Wood(35)	Rep Gibbs
Rep Wills	Rep Hixon
Rep Bateman	Rep Kauffman
Rep Henderson	Rep Packer

Rep Patterson
Rep Youngblood
Rep Ringo
Rep King
Rep Gannon

COMMITTEE SECRETARY

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Wednesday, March 06, 2013

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Wood(35), Wills, Bateman, Henderson, Denney, Gestrin, Gibbs, Hixon, Kauffman, Packer, Patterson, Youngblood, Ringo, King, Gannon

**ABSENT/
EXCUSED:** None

GUESTS: Ed Pemble, ITD, Amy Kearns, ITD, Molley McCarty, ITD
Vice Chairman Shepherd called the meeting to order at 2:45 p.m.

MOTION: **Rep. Wood(35)** made a motion to approve the minutes of the March 4, 2013 meeting. **Motion carried by voice vote.**

S 1048aa: **Senator Bart Davis** said this bill is to provide that the Idaho Transportation Department may not suspend a driver's license for a parking violation.
Chairman Palmer invoked Rule 38 stating a possible conflict of interest but that he would be voting on the legislation.
Committee members noticed an incorrect SOP attached to the engrossed bill. **Senator Davis** said he will have the SOP corrected before the bill comes before the House for a vote.

MOTION: **Rep. Gibbs** made a motion to send **S 1048aa** to the floor with a **DO PASS** recommendation.

**UNANIMOUS
CONSENT
REQUEST:** **Rep. Bateman** asked for unanimous consent to send **S 1048aa** to the floor with a **DO PASS** recommendation with a corrected SOP. There being no objection, the request was granted. **Rep. Wood(35) will sponsor the bill on the floor.**

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 3:00 p.m.

Representative Palmer
Chair

Leah Kent
Secretary

AMENDED AGENDA #2
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 pm or Upon Adjournment
Room EW40
Tuesday, March 12, 2013

SUBJECT	DESCRIPTION	PRESENTER
<u>S 1064</u>	Ten year pilot project to test the effect of increasing the legal truck weight limits on a number of state highways in southern Idaho.	Roy Eiguren, Wright Trucking Coillation, Skip Smyser, Idaho Trucking Assoc.

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Denney
Vice Chairman Shepherd	Rep Gestrin
Rep Wood(35)	Rep Gibbs
Rep Wills	Rep Hixon
Rep Bateman	Rep Kauffman
Rep Henderson	Rep Packer

Rep Patterson
Rep Youngblood
Rep Ringo
Rep King
Rep Gannon

COMMITTEE SECRETARY

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Tuesday, March 12, 2013

TIME: 1:30 p.m. or Upon Adjournment

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Wood(35), Wills, Bateman, Henderson, Denney, Gestrin, Gibbs, Hixon, Kauffman, Packer, Patterson, Youngblood, Ringo, King, Gannon

**ABSENT/
EXCUSED:** Rep. Gestrin

GUESTS: Skip Smyser, Idaho Trucking Assoc., Stu Davis, Idaho Assoc. of Highway Districts, Marie McMcMonigle, U.S. Ecology, Chuck Overman, U.S. Ecology, Greg Laragan, Idaho Transportation Depart., Dennis Tanikuni, Idaho Farm Bureau, Russell Westerberg, Western Aircraft, Dave Carlson, AAA, Jane Wittmeyer, Wittmeyer & Associates, Darwin Olberding, Idaho Grain Producers Assoc., Jim Riley, Riley & Assoc.

Chairman Palmer called the meeting to order at 1:20 p.m.

MOTION: **Rep. Hixon** made a motion to approve the minutes of the March 06, 2013 meeting.
Motion carried by voice vote.

S 1064: **Roy Eiguren**, Wright Trucking Coalition, said in 2003 the Idaho Legislature enacted legislation that created a ten year pilot project to test the effect of increasing the legal truck weight limits on a number of state highways in southern Idaho. He also said the ITD was tasked with evaluating the impacts of the pilot project routes on bridges, pavement and roadway safety. ITD had to submit a report on such impacts every 3 years to the Legislature. Mr. Eiguren also said a final report on the project was made to the Legislature this past January 2013. This legislation also statutorily removes the sunset clause and provides that 129,000 pound configured trucks can continue to operate on the 35 specified routes.

Brian Whipple, Transportation Manager of The Amalgamated Sugar Company, **Marie McMcMonigle**, U.S. Ecology, **Dennis Tanakunu**, Farm Bureau, **Stuart Davis**, Idaho Association of Highway Districts, **Chuck Overman**, U.S. Ecology, **Skip Smyser**, Idaho Trucking Assoc., **Allen Frew**, Idaho Transportation Department, **Scott Stokes**, Idaho Transportation Department, spoke **in favor** of the bill.

Brad Carlson, AAA, spoke **in opposition** of the bill.

Rep. Gibbs, Rep. Youngblood and Rep. Kauffman invoked Rule 38 stating a possible conflict of interest but they would be voting.

MOTION: **Rep. Gibbs** made a motion to send **S 1064** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Wood(35)** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 3:10 p.m.

Representative Palmer
Chair

Leah Kent
Secretary

AMENDED AGENDA #2
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 p.m. or Upon Adjournment
Room EW40
Thursday, March 14, 2013

SUBJECT	DESCRIPTION	PRESENTER
<u>H 279</u>	Clarify Idaho laws relating to the registration of boats, snowmobiles and off-highway vehicles.	Rep. Terry Gestrin
<u>S 1117</u>	Allowing travel by trucks to carry loads up to 129,000 pounds provides significant economic development opportunities for Idaho's communities.	Jim Riley, Riley and Associates

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Denney	Rep Patterson
Vice Chairman Shepherd	Rep Gestrin	Rep Youngblood
Rep Wood(35)	Rep Gibbs	Rep Ringo
Rep Wills	Rep Hixon	Rep King
Rep Bateman	Rep Kauffman	Rep Gannon
Rep Henderson	Rep Packer	

COMMITTEE SECRETARY

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Thursday, March 14, 2013

TIME: 1:30 pm or Upon Adjournment

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Wood(35), Wills, Bateman, Henderson, Denney, Gestrin, Gibbs, Hixon, Kauffman, Packer, Patterson, Youngblood, Ringo, King, Gannon

**ABSENT/
EXCUSED:** Rep. Wills and Rep. Ringo

GUESTS: The sign in sheet will be retained with the minutes in the committee secretary's office until the end of session. Following the end of session, the sign-in sheet will be filed with the minutes in the Legislative Services Library.

Chairman Palmer called the meeting to order at 2:59 p.m.

MOTION: **Rep. Hixon** made a motion to approve the minutes of March 12, 2013. **Motion carried by voice vote.**

H 279: **Rep. Gestrin** presented **H 279**. He said this legislation is needed to clarify that the Idaho Transportation Department (ITD) has no obligation to index registrations of off road vehicles and, likewise, the Idaho Department of Parks and Recreation (IDPR) has no obligation to share information collected relative to off road vehicles with ITD. He said recreational registration was brought forward by the recreation community to improve revenue. He said the registration program was never intended to be a means for ownership validation, it is a self imposed tax intended to fund the building and maintenance of recreational infrastructure. He said that since it is now required to title recreational vehicles, it is appropriate to have ITD manage this process. He said there are no general or park funds involved. He said IDPR may share information with ITD but it is not required to do so. He explained that registration and titling are two completely difference functions.

David Claiborne, Idaho ATV Association, **Tom Glass**, Idaho Recreation Council, **Harold Johnson**, Idaho State Snowmobile Association, **Becky Johnstone**, Backcountry Recreation Club, **Gordon Cruickshank**, Valley County Commissioner, **Chuck Wells**, Camas County/ISSA, **Tamara Cikaitoga**, Fremont County, **Haden Claiborne**, Idaho UTV, and **Sandra Mitchell**, Idaho Recreation Council, testified **in support** of **H 279**. They spoke about how vital the snowmobile trails are to the 6-7 months of winter economy in Northern Idaho and how the construction and maintenance of these trails are funded by the registration fees for off road vehicles. They noted the lack of internet access in rural Idaho and how that would pose a problem with the DMV's online registration process.

Nancy Merrill, Idaho Department of Parks and Recreation (IDPR) testified **in opposition** to **H 279**. She noted that without a shared database it will be difficult to send renewal notices or conduct surveys and sharing databases will ensure that IDPR's records are correct. She said that shifting the registration responsibility to the Idaho Transportation Department (ITD) will ensure that the sales taxes are appropriately collected. The proposed legislation would require IDPR to set up a new system in order to continue registering off road vehicles which would cost approximately one million dollars. She talked about the Attorney General's opinion that IDPR is required to share information with ITD.

Rep. Gestrin made closing statements, expressing the need to respond to customers and remember that what is done in government is not always for agency convenience.

MOTION: **Rep. Shepherd** made a motion to send **H 279** to the floor with a **DO PASS** recommendation.

SUBSTITUTE MOTION: **Rep. King** made a substitute motion to **HOLD H 279** in committee.

ROLL CALL VOTE ON SUBSTITUTE MOTION: Roll call vote was requested on the substitute motion. **Substitute Motion failed by a vote of 2 AYE, 13 NAY, 2 ABSENT/EXCUSED. Voting in favor of the motion: Reps. King and Gannon. Voting in opposition to the motion: Reps. Shepherd, Wood, Bateman, Henderson, Denney, Gestrin, Gibbs, Hixon, Kauffman, Packer, Patterson, Youngblood, and Palmer. Reps. Wills and Ringo were absent/excused.**

VOTE ON ORIGINAL MOTION: **Chairman Palmer** called for a vote on the original motion to send **H 279** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote. Rep. King** requested to be recorded as voting **NAY**. **Rep. Gestrin** will sponsor the bill on the floor.

S 1117: **Jim Riley**, Riley and Associates, presented **S 1117**. This legislation will allow trucks to carry loads up to 129,000 pounds, promoting interstate commerce as many of Idaho's neighboring states have higher truck weight limits. He said this bill provides that the authority having jurisdiction over its roads may designate routes for loads up to 129,000 pounds by using the criteria based on road and bridge structural integrity engineering standards and public safety standards established by the Idaho Transportation Department (ITD). He said increased freight efficiency is essential in order to remain competitive with adjacent states. He said that the words "may" and "shall" are carefully constructed to allow local jurisdiction the discretion to qualify the routes. He said if local jurisdictions do qualify the route, they cannot pick and choose to whom they issue a permit.

In response to questions, **Mr. Riley** said it is generally recognized that automobiles are paying slightly more and operators of heavy trucks are paying slightly less relating to maintenance of the roads. He said the fee schedule is allocated to the larger and heavier the truck, the higher the price of the permit.

He said there are over 300 highway jurisdictions in the State of Idaho and the jurisdiction of the roads are very clear. Whichever jurisdiction has responsibility for the road are the ones who have authority to make the permission. He said that the concept here is that people wanted to ensure that there were legitimate professional standards that could be used to evaluate these roads. This legislation allows local jurisdiction to look at the general standard.

In response to questions, **Scott Stokes**, Idaho Transportation Department (ITD), said state highways are state jurisdiction regardless of the city or county it runs through. The counties would make the decision on county routes and the state would make the decision on state routes.

In response to questions, **Mr. Riley** said before a decision is made, there would have to be a public hearing with notice of the same well in advance, and all information would be available under the Sunshine Laws of the state.

Tony Smith, Idaho Cooperative Council and Northwest Dairy Association, **Robert Bay**, Idaho Forest Group, **Gary Halverson**, Glanbia Foods, **Mark Benson**, Potlatch Corp., and **Brent Olmstead**, Milk Producers of Idaho, testified in support of **S 1117**.

Those testifying **in support** of **S 1117** said companies would be able to move finished products to market faster and more cost effectively. They said that Idaho Transportation Department (ITD) has found no significant impact of heavier trucks on the roadways. They said that neighboring states all have these currently weights in place. They said that everything purchased and sold must move on wheels due to perishability. Milk being transferred out of Idaho costs more, currently, simply because of the weight of the trucks. The only thing that producers can do to stay ahead of the curve is to become more efficient and this bill allows producers to do that. They said by opening new routes in the State of Idaho, producers will be able to open more routes at a federal level. They explained that Commercial Drivers License (CDL) drivers must follow state regulations and conduct pre-trip inspections twice a day to keep their equipment in safe working order. This bill will have a positive impact on the agricultural, dairy and forestry industries in Idaho.

Gordon L. Cruickshank, Valley County Commissioner, **Stephen F. Freiburger**, Paragon Consulting, Inc./IAND, **Stan Leach**, Clearwater County Commissioner, **Stuart Davis**, Idaho Association of Highways, **John Watts**, Watco Companies, **Wally Burchak**, KBC Transport, and **Steve Thomas**, Moffat Thomas, BNSF Railway testified **in opposition** to **S 1117**.

Those testifying **in opposition** to **S 1117** noted that the local jurisdictions are already struggling to keep up with road maintenance and adding heavier trucks will only increase the need for maintenance, resulting in reducing more services or adding more financial burden on the tax payers. They brought up the issue of payment for analysis on the potential new routes and noted that they can barely fund keeping the roads plowed during winter. They also noted that this legislation might work in Southern Idaho where the roads are straight and flat, but would be a significant traffic and safety issue in Northern Idaho. They talked about the danger of pulling a heavy load on steep grade with only two driving axles. **Mr. Freiburger** talked about how heavier trucks will have a more significant impact on thin pavement (local roads) than thick pavement (state highways). He gave examples of damage done to roads due to over loading.

In response to questions, **Mr. Freiburger** said the roads need to be designed for the loads, or have the financial infrastructure in place to recoup the costs of repair that will be necessary after trafficking heavy loads for which the roads were not designed. He said that the Idaho Transportation Department (ITD) does not have experience with low volume local roads and what the impact to those roads would be after heavy load traffic. He said a significant amount of the local road system was built prior to present engineering and many of those roads are over 100 years old. As such, there is not sufficient information on the older roads to be able to analyze them appropriately. He said that it does not take very many heavy loads to reduce the life of the pavement by 5-10 years.

In response to questions, **Commissioner Leach** said, in his opinion, the road system, in its current condition, cannot support this time of heavy load traffic safely. He believes traffic will bottleneck where there is no passing lines and trucks will have an increased risk of spinning out and rolling back into cars piled up behind them.

Mr. Davis showed core samples from a highway and a local road which demonstrated significant difference in thickness. He voiced concern that this legislation fails to lay out any study standards and noted that independent engineering studies can say whatever they wish. He noted that he was unable to find one study that has been done on the effect of these heavy loads on thinner pavement local roads.

In response to questions, **Mr. Davis** said that **S 1117** says if the route can hold the weight, the road jurisdiction shall grant the permit and he is concerned that there would be no local control over the study. He said that this bill does not give authority to charge for the studies.

In response to questions, **Mr. Stokes** said the word "board" in the bill refers to the Idaho Transportation Board (ITB) and the word "department" refers to Idaho Transportation Department (ITD).

Mr. Watts said if **S 1117** is passed, this state will continue to operate without a vision, without a plan, without coordination and without linkages from one county to another. He said what is needed are connections between roads and trains.

Mr. Burchak, KBC Transport, spoke about his experience operating a trucking company and his former experience as a Commercial Drivers License driver. He said that he feels the additional weight and extra trailer will pose a serious safety risk to both the truck drivers and general public. He said none of his drivers would even consider pulling that kind of weight and additional trailer. He spoke about the wind dangers and how easy it already is to flip a truck with two trailers and that the added weight and third trailer will only increase this risk.

Mr. Thomas said this bill creates an uneven playing field between trucking and railways. He said the economic reality of this bill is to further subsidize shipping to trucking over railways.

Chairman Palmer noted the late hour and the six remaining testimonies. He said that the debate/testimony on **S 1117** would continue at the next committee meeting on March 18, 2012.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 7:12 p.m.

Representative Palmer
Chair

Danelle Heath
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 pm or Upon Adjournment
Room EW40
Monday, March 18, 2013

SUBJECT	DESCRIPTION	PRESENTER
S 1117	Allowing travel by trucks to carry loads up to 129,000 pounds provides significant economic development opportunities for Idaho's communities.	Jim Riley, Riley and Associates
Continuation of S 1117		

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Denney
Vice Chairman Shepherd	Rep Gestrin
Rep Wood(35)	Rep Gibbs
Rep Wills	Rep Hixon
Rep Bateman	Rep Kauffman
Rep Henderson	Rep Packer

Rep Patterson
Rep Youngblood
Rep Ringo
Rep King
Rep Gannon

COMMITTEE SECRETARY

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Monday, March 18, 2013

TIME: 1:30 or Upon Adjournment of the House

PLACE: EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Wood(35), Wills, Bateman, Henderson, Denney, Gestrin, Gibbs, Hixon, Kauffman, Packer, Patterson, Youngblood, Ringo, King, Gannon

**ABSENT/
EXCUSED:** None

GUESTS: The sign-in sheet will be retained with the minutes in the committee secretary's office until the end of the session. Following the end of the session, the sign-in sheet will be filed with the minutes of the Legislative Services Library.

Chairman Palmer called the meeting to order at 1:32 p.m.

S 1117: A continuation of the March 14, 2013 hearing on **S 1117** was conducted. Individuals signed up at the original hearing and who were unable to be accommodated due to time constraints, were afforded the opportunity to testify, however, new requests to testify were not permitted.

Dave Carlson, AAA Idaho, spoke **in opposition** to **S 1117**. He stated AAA concludes this bill tips the balance of public policy, putting economic benefits to business ahead of local decision making, safety, cost and citizen input.

Mike Kane, Idaho Association of Counties, spoke **in opposition** to **S 1117**. He explained they have to comply with requirements of the vehicle. He expressed the need to have quick action on this legislation.

The committee discussed the possibility of road damage. Committee members thought it may be necessary to have wording regarding emergencies in the legislation.

Mike Brassey, representing Union Pacific Railroad, spoke **in opposition** to **S 1117**. He said this legislation would delegate authority to the Idaho Department of Transportation and economic benefits are not considered for the community.

Steve Price, representing the Ada County Highway Commission, spoke **in opposition** to **S 1117**. He stated that amendments are critical to cover several issues. He said this bill is ambiguous to local control and most of our highways are in urban environments.

The committee expressed concern for situations when two trucks may cross over a bridge at the same time. This could be over the weight limitations for certain bridges.

Benjamin Kelly, Food Producers of Idaho, spoke in support of **S 1117**. He said their membership consists of agriculture groups and farm organizations in Idaho. He said this legislation would improve the transportation of agricultural commodities and would benefit farmers across the entire state.

Ken McClure, representing the Idaho Forest Group and Mile Producers of Idaho, spoke **in support** of **S 1117**. He suggested adding a trailer bill to this legislation. He clarified that structural integrity and public safety engineering standards all determine whether the road can carry the load and if it is safe for these vehicles to drive on.

Jane Whittmeyer, representing Clearwater Paper Corporation, spoke **in support of S 1117**. She stated they handle 274 trucks per day which makes transportation costs extremely important to the corporation. She explained the trucks travel in a 350 mile radius and the roads have been determined to be safe for 129,000 pounds.

Dick Harwood, citizen and former Representative, stated bridges are a concern, especially if trucks have another trailer, making the load longer. He expressed concern regarding the economic impact.

Chairman Palmer asked **Stuart Davis**, Idaho Association of Highway Districts, to come forward for a question. Mr. Davis clarified he was fine with a trailer bill or an amendment. He stated the new amendment would give exclusive jurisdiction to local authority in its discretion.

Jerry Deckard, Capitol West Public Policy Group on behalf of The Associated Logging Contractors of Idaho, said their members operate over 400 trucks in Northern Idaho. He stated this legislation prohibits the operation of a 129,000 pound truck with a 53 foot trailer on the St. Maries to Plummer Highway due to Idaho's 6 1/2 foot off-track rule. He said the requirement to meet that rule is to have a 48 foot trailer. He explained changing weight limits is no simple matter and a significant investment would be needed to meet these loads. He said there are training costs to operate multiple trailer units. He asked the committee to consider the restrictions on the length of the work day for a truck driver. He stated he would support amendments that would make clear who supports what.

Chairman Palmer asked **Jim Riley**, Riley and Associates, to close. Mr. Riley said this legislation is brought by many businesses throughout the State. They are asking for the opportunity to maintain the local discretion jurisdiction to the local population. He said their view is that this legislation accomplishes these goals but is willing to work on a trailer bill to bring clarity.

The committee discussed the bill and the possibility of adding amendments as well as a trailer bill to bring clarity of language to the legislation.

MOTION:

Rep. Bateman made a motion to send **S 1117** to the floor with a **DO PASS** recommendation.

Rep. Bateman stated many safety concerns are already addressed by state law. He said there would be fewer trucks going through the smaller communities. He believes this legislation brings progress and supports a trailer bill for clarity.

Rep. Kauffman addressed the committee, stating the same or related subjects must be read together and harmonized. He said this legislation does not change the ability of the Highway Department's jurisdiction to exercise their discretion in Idaho Code when issuing permits for those routes. He encouraged the committee to vote yes and send the bill forward.

SUBSTITUTE MOTION:

Rep. Gestrin made a substitute motion to send **S1117** to **General Orders**.

Rep. Wood(35) asked if the Substitute Motion could be amended to send **S 1117** to General Orders with amendments attached. There were no objections.

Rep. Ringo said studies were inconclusive and less than convincing. She said she is concerned about federal law and inconsistencies in the Idaho Law. Idaho has funding issues to solve with requiring trucks to pay their share to remediate pavement damage before approving the 129,000 trucks. There will be no local control on routes under the jurisdiction of ITD. She urged the committee to wait a year to resolve issues before moving forward.

Rep. Bateman spoke in opposition to the **Substitute Motion**. He explained if it is sent to General Orders, it allows for other amendments. He encouraged the committee to vote no on the Substitute Motion.

**ROLL CALL
VOTE ON
SUBSTITUTE
MOTION:**

Roll call vote was requested on the substitute motion to send **S 1117** to General Orders with amendments attached. **Motion failed by a vote of 6 AYE and 11 NAY.** Voting in favor of the motion: **Reps. Wood(35), Wills, Henderson, Gestrin, Hixon and Gannon.** Voting in opposition to the motion: **Reps. Shepherd, Bateman, Denney, Gibbs, Kauffman, Packer, Patterson, Youngblood, Ringo, King and Palmer.**

**VOTE ON
ORIGINAL
MOTION:**

Chairman Palmer called for a vote on the original motion to send **S 1117** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Reps. Henderson, Gestrin, King, Ringo and Gannon** requested they be recorded as voting **NAY.** **Rep. Gibbs** will sponsor the bill on the floor.

ADJOURN:

There being no further business to come before the committee, the meeting was adjourned at 3:31 p.m.

Representative Palmer
Chair

Rosee Winder
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 or upon Adjournment
Room EW40
Wednesday, March 20, 2013

SUBJECT	DESCRIPTION	PRESENTER
H 290	Loading farm commodities in rural Idaho. Producer must use air gauges or best guess estimates to ensure the gross and axle load weight of the transport is legal.	Senator Guthrie
S 1065	CB and amateur radio towers are exempted from being lighted, marked and painted.	Senator Heider
SCR 103	Idaho Universities and other stakeholders, to prepare a proposal on behalf of the State of Idaho to be selected as one of the Federal Aviation Administration's six unmanned aircraft system test sites.	Senator Winder

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Denney
Vice Chairman Shepherd	Rep Gestrin
Rep Wood(35)	Rep Gibbs
Rep Wills	Rep Hixon
Rep Bateman	Rep Kauffman
Rep Henderson	Rep Packer

Rep Patterson
Rep Youngblood
Rep Ringo
Rep King
Rep Gannon

COMMITTEE SECRETARY

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Wednesday, March 20, 2013

TIME: 1:30 or upon Adjournment

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Wood(35), Wills, Bateman, Henderson, Denney, Gestrin, Gibbs, Hixon, Kauffman, Packer, Patterson, Youngblood, Ringo, King, Gannon

**ABSENT/
EXCUSED:** Rep. Henderson

GUESTS: Rex Green, Radio Amateurs, Alan Frew, Idaho Transportation Department, Dennis Tanikuni, Idaho Farm Bureau, Jim Lowe, Food Producers of Idaho, Dan Olberding, Idaho Grain Producers, Jeff Saver, Commerce

Chairman Palmer called the meeting to order at 2:49 p.m.

MOTION: **Rep. Ringo** made a motion to approve the minutes of the March 12, 2013 meeting. **Motion carried by voice vote.**

S 1065: **Senator Heider** presented **S 1065**. This legislation exempts CB and amateur radio towers from being lighted, marked and painted. He explained currently there are about 6,000 licensed CB users in the State of Idaho. Most of the equipment is on personal property. The height of the towers are not an issue to low flying aircraft.

MOTION: **Rep. Wills** made a motion to send **S 1065** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Kauffman** will sponsor the bill on the floor.

H 290: **Senator Guthrie** presented **H 290**. He said the current practice of loading farm commodities in rural Idaho can be a challenge. Often a producer must use air gauges or best guess estimates to ensure the gross and axle load weight of the transport is legal. Commodities can vary, with respect to pounds per bushel, and bulk loads tend to shift during transport. Senator Guthrie said **H 290** would allow some latitude to compensate for those shipping realities. Vehicles owned and operated by a farmer or his agent may be operated on a highway up to two thousand pounds in excess of any axle, bridge or gross vehicle weight limit.

Rep. Gibbs invoked Rule 38 stating a conflict of interest but that he would be voting on this legislation.

MOTION: **Rep. Wood(35)** made a motion to send **H 290** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Wood(35)** will sponsor the bill on the floor.

SCR 103: **Senator Winder** presented **SCR 103**. The purpose of this legislation is to encourage Idaho Colleges and Universities to prepare a proposal on behalf of the State of Idaho to be selected as one of the Federal Aviation Administration's six unmanned aircraft system test sites. Senator Winder said that this would also include the Idaho National Laboratory. Senator Winder explained that **S 1134aa** is the bill that provides the protection of privacy of personnel and personal property from individuals or entities using these aircraft. He explained that this is an opportunity for Idaho to step out and be a leader in this technology.

MOTION: **Rep. Packer** made a motion to send **SCR 103** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Ringo requested to be recorded as voting NAY.** **Rep. Palmer** will sponsor the bill on the floor.

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 3:26 p.m.

Representative Palmer
Chair

Leah Kent
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
Upon Adjournment
Room EW40
Friday, March 22, 2013

SUBJECT	DESCRIPTION	PRESENTER
H 321	HIGHWAYS - Amends existing law relating to highways to revise provisions relating to a certain map, to establish provisions relating to designating a new highway or public rights-of-way on the official map, to establish provisions relating to notice and to establish provisions relating to the purposes of an official map; to remove language relating to a highway abandoned and vacated and that public use of a certain highway or public right-of-way may not be restricted; and to establish provisions relating to actions where certain highways or public rights-of-way may be abandoned and vacated only upon a formal determination.	Rep. Loertcher
S 1179	Authorizes the Idaho Transportation Board to enter into agreements with officials from contiguous state to establish provisions allowing the Idaho Transportation Department and contiguous state motor vehicle departments to collect fees and to issue driver's licenses, identification cards, vehicle registrations and titles to tribal members in the same manner as would occur in the individual's home state.	Sen. Brackett

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Denney
Vice Chairman Shepherd	Rep Gestrin
Rep Wood(35)	Rep Gibbs
Rep Wills	Rep Hixon
Rep Bateman	Rep Kauffman
Rep Henderson	Rep Packer

Rep Patterson
Rep Youngblood
Rep Ringo
Rep King
Rep Gannon

COMMITTEE SECRETARY

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Friday, March 22, 2013

TIME: 1:30 P.M.

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Wood(35), Wills, Bateman, Henderson, Denney, Gestrin, Gibbs, Hixon, Kauffman, Packer, Patterson, Youngblood, Ringo, King, Gannon

**ABSENT/
EXCUSED:** Chairman Palmer, Rep. Wills, Rep. Henderson

GUESTS: Stuart Davis, Idaho Association of Highway Districts, Dennis Tanikuni, Idaho Farm Bureau, Will Hart, Idaho Consumer Owned Utilities, Rick Hahn, Idaho Power, Lisa Jim, Shoshone-Paiute Tribe, Senator Brackett, Idaho State Senate, Steve Price, ACHD, Benjamin Kelly, Food Producers of Idaho, Elizabeth Criner, J. R. Simplot Co., Ed Pemble, ITD.

Vice Chairman Shepherd called the meeting to order at 12:29 p.m.

MOTION: **Rep. Hixon** made a motion to approve the minutes of the March 14, 2013, March 18, 2013 and March 20, 2013 meetings. **Motion carried by voice vote.**

H 321: **Rep. Loertscher** presented **H 321** relating to highways. He said this legislation addresses several issues arising from the testimony and discussion before the Senate Transportation Committee during the 2012 Legislative Session relating to **H 628aa**. On March 27, 2012, the Senate Transportation Committee formed an Interim Task Force encompassing members of the Idaho Senate and House of Representative to further study these issues. On October 1, 2012, the Right-of-Way Task Force convened and accepted extensive testimony from several stakeholders and the public. He said the legislation amends several statutory provisions to address the issues raised with the Interim Task Force and also represents a collaborative resolution of the stakeholder's interests. He indicated that this legislation protects private property rights and ensures adequate public rights-of-way for transportation and utility facilities. Rep. Loertscher said that the intent of the Legislature is that this bill shall apply to any and all existing and future highways and public rights-of-way. He explained this includes an emergency clause due to the year delay in legislation and the immediate need to provide clarity regarding the status or abandonment of highways and public rights-of-way.

Rep. Kauffman and **Rep. Youngblood** invoked Rule 38 stating a possible conflict of interest by they would be voting on the motion.

Rep. Hixon will vote in favor of the bill however reserved the right to change his vote on the floor if new information was presented.

Those who testified **in favor** of the bill were: **Stuart Davis**, Idaho Association of Highway Districts, **Dennis Tanikuni**, Idaho Farm Bureau, **Will Hart**, Idaho Consumer Owned Utilities, **Rick Hahn**, Idaho Power.

MOTION: **Rep. Bateman** made a motion to send **H 321** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Loertscher** will sponsor the bill on the floor. **Rep. Wood(35)** requested to be recorded as voting **NAY**.

S 1179: **Senator Brackett** presented **S 1179** relating to issuing of driver's licenses, identification cards, vehicle registrations and titles to tribal members. He said the Shoshone-Paiute Indian Reservation spans both Idaho and Nevada. Mountain Home, Idaho is closer than Reno Nevada. For 19 years the Paiute Tribe has been purchasing driver's licenses, identification cards, vehicle registrations and titles in the State of Idaho. This has generated 90% of Department of Transportation commerce in Idaho. Senator Brackett said this legislation authorizes the Idaho Transportation Board to enter into agreements with officials from contiguous states to establish provisions allowing the Idaho Transportation Department and contiguous state motor vehicle departments to collect fees and to issue driver's licenses, identification cards, vehicle registration and titles to tribal members in the same manner as would occur in the individual's home state.

MOTION: **Rep. Gibbs** made a motion to send **S 1179** to the floor with a **DO PASS** recommendation. **Motion carried by voice vote.** **Rep. Wills** will sponsor the bill on the floor.

Charles Johnson, citizen, presented statistics on emissions from Ada and Canyon counties. Strategy for the Development of an Airshed Management Program for the Treasure Valley

ADJOURN: There being no further business to come before the committee, the meeting was adjourned at 1:35 p.m.

Representative Palmer
Chair

Leah Kent
Secretary

AGENDA
HOUSE TRANSPORTATION & DEFENSE COMMITTEE
1:30 pm or Upon Adjournment
Room EW40
Tuesday, March 26, 2013

SUBJECT	DESCRIPTION	PRESENTER
RS22180	Addresses the transportation funding shortfall identified by the eleven member "Governor's Task Force on Modernizing Transportation Funding in Idaho"	Rep. Kauffman
RS22341	Relating to motor fuel taxes and a transfer fee; registrations and permits, and lease and rental car tax and sales tax.	Sen. Brackett
RS22342	Relating to registrations and permits.	Sen. Brackett
RS22343	Relating to motor fuel tax and a transfer fee.	Sen. Brackett
RS22340	Relating to lease and rental car tax and sales tax.	Sen. Brackett

If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.

COMMITTEE MEMBERS

Chairman Palmer	Rep Denney	Rep Patterson
Vice Chairman Shepherd	Rep Gestrin	Rep Youngblood
Rep Wood(35)	Rep Gibbs	Rep Ringo
Rep Wills	Rep Hixon	Rep King
Rep Bateman	Rep Kauffman	Rep Gannon
Rep Henderson	Rep Packer	

COMMITTEE SECRETARY

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MINUTES
HOUSE TRANSPORTATION & DEFENSE COMMITTEE

DATE: Tuesday, March 26, 2013

TIME: 1:30 pm or Upon Adjournment

PLACE: Room EW40

MEMBERS: Chairman Palmer, Vice Chairman Shepherd, Representatives Wood(35), Wills, Bateman, Henderson, Denney, Gestrin, Gibbs, Hixon, Kauffman, Packer, Patterson, Youngblood, Ringo, King, Gannon

**ABSENT/
EXCUSED:** None

GUESTS: Dennis Tanikuni, Idaho Farm Bureau, Elizabeth Criner, MWFPA/FWAA/Simplot, Scott, Stokes, ITD, Dave Butzier, URS.

Chairman Palmer called the meeting to order at 3:10 p.m.

MOTION: **Rep. Hixon** made a motion to approve the minutes of the March 22, 2013 meeting.
Motion carried by voice vote.

RS 22180: **Rep. Kauffman** presented **RS 22180**. He said this proposed legislation addresses the transportation funding shortfall identified by the eleven member "Governor's Task Force on Modernizing Transportation Funding in Idaho". He said in a 15 month period of time the task force received testimony and presentations on transportation funding needs from national experts, transportation-related organizations, state and local governments and members of the public. The task force confirmed Idaho's significant and growing transportation funding shortfall. He said this legislation would increase Idaho sales tax by 1% and create approximately \$162 million annually to be deposited into the highway distribution account. The public's primary expectation of the system is that it is safe, efficient, and open for business. He said this legislation has a five year sunset clause.

RS 22340: **Senator Brackett** presented **RS 22340**. He said this proposed legislation provides additional revenue, above what is currently provided, to address Idaho's critical shortfall in its need to maintain, repair and upgrade the State, City, County and Highway District highways and bridges. He said this legislation provides additional revenue through the highway distribution account to the Idaho Transportation Department, Idaho State Police and local units of government. The principal Provisions of the legislation provide for enhanced revenue by: 1. The transfer of sales tax revenue from the sale of tires and other motor vehicle equipment to the highway distribution account (23.4M), 2. Impose a tax equal to the state sales tax on passenger vehicle leases and rentals for 30 days or less (2.0M). He said the general fund impact is -\$23.4M. This transfer is delayed until the second year of implementation. The estimated gross collections by year in millions for this legislation would be: Year One: \$1.7; Year Two: \$25.4; Year Three: \$25.4; Year Four: \$25.4; Year Five: \$25.4; Year Six: \$25.4

- RS 22341:** **Senator Brackett** presented **RS 22341**. He said the principle provisions of this legislation are as follows: 1. Increase state motor fuel and diesel fuel taxes in a phased-in approach. 2. Increase the transfer fee by 4 cents on the delivery and storage of gasoline and diesel. 3. Increase registration fees on most cars and pickup trucks, including registration fees on other vehicles such as motorcycles, school buses, non-commercial, commercial and farm trucks less than 60,000 lbs. 4. Increase registration fees relating to large trucks, commercial, non-commercial, and farm vehicles greater than 60,000 lbs. 5. Impose a new fee on electric and hybrid vehicles. 6. Increase various permit fees for overweight and oversized loads. 7. Transfer the sales tax revenue from the sale of tires and other motor vehicle equipment to the highway distribution account. 8. Impose a tax equal to the state sales tax on passenger vehicle leases and rentals of 30 days or less. Senator Brackett said this legislation provides for a three-year pilot program to increase enforcement of the provisions of the dyed fuel program by the Idaho State Police. He said the general fund impact would be -\$23.4M and is a transfer from the sales tax collections to the Highway Distribution Account. The estimated gross collections by year in millions is as follows: Year One: \$82.9; Year Two: \$171.7; Year Three: \$192.2; Year Four: 212.7; Year Five: \$233.1; Year Six: \$236.5.
- RS 22342:** **Senator Brackett** presented **RS 22342**. He said the principle provisions of this proposed legislation are as follows: 1. Increase registration fees on most cars and pickup trucks, including registration fees on other vehicles such as motorcycles, school buses, non-commercial, commercial and farm trucks less than 60,000 lbs. and utility trailers. 2. Increase the registration fees relating to large trucks, commercial, non-commercial, and farm vehicles greater than 60,000 lbs. 3. Impose a new fee on electric and hybrid vehicles. 4. Increase various permit fees for overweight and oversized loads. The estimated gross collection by year in millions is as follows: Year One: \$25.6; Year Two: \$61.4; Year Three: 61.4; Year Four: \$61.4; Year Five: \$61.4; Year Six: \$61.4.
- RS 22343:** **Senator Brackett** presented **RS 22343**. He said the principle provisions of this proposed legislation are as follows: 1. Increase state motor fuel and diesel fuel taxes in a phased-in approach. 2. Increase the transfer fee by 4 cents on the delivery and storage of gasoline and diesel. 3. This legislation provides for a three-year pilot program to increase enforcement of the provisions of the dyed fuel program by the Idaho State Police. The estimate gross collections by year in millions is as follows: Year One: \$55.6; Year Two: \$84.8; Year Three: \$105.3; Year Four: \$125.8; Year Five: \$146.3; Year Six: \$149.7.
- MOTION:** **Rep. Wills** made a motion to introduce **RS 22180, RS 22340, RS 22341, RS 22342, and RS 22343. Motion carried by voice vote.**
- ADJOURN:** There being no further business to come before the committee the meeting was adjourned at 3:35 p.m.

Representative Palmer
Chair

Leah Kent
Secretary